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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Turkey under article 35 of the Convention, due in 2011*, **

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Abbreviation list

AFAD	Disaster and Emergency Management Presidency
Art.	Article
ASPB	Ministry of Family and Social Policy
CoE	Council of Europe
CRPD	United Nations Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
ECHR	European Court of Human Rights
EDES	Support Programme for Persons with Disabilities
EU	European Union
EUR-OPA	European and Mediterranean Major Hazards Agreement
EYHGM	General Directorate of Services for Persons with Disabilities and the Elderly
FATIH	Movement of Enhancing Opportunities and Technology Project
GETEM	Boğaziçi University Technology and Education Laboratory for the Persons with Visual Disabilities
ICF	International Classification of Functioning, Disability and Health
ISKUR	Turkish Employment Agency
KOSGEB	Small and Medium Enterprises Development Organization
KPSS	Public Personnel Selection Examination
MATRA	Bilateral assistance programme of the Netherlands
MEB	Ministry of National Education
OMSS	Public Personnel Selection Examination for Persons with Disabilities
OSYM	Student Selection and Placement Center
OZIDA	The Presidency of Administration for Disabled People
PROGRESS	European Union Program on Employment and Social Solidarity
PTT	General Directorate of Post and Telegraph Organization
PwD	Persons with Disabilities
RTUK	The Radio and Television Supreme Council
SHCEK	Turkish Social Service and Children Protection Institution
ŞÖNİM	Violence Prevention and Monitoring Centers
TBMM	Grand National Assembly of Turkey
TCK	Turkish Criminal Law numbered 5237
TDA	Turkish Disability Act
TIKA	Administration of Turkish Cooperation and Development
TOKI	Housing Development Administration
TRT	Turkish Radio and Television Association
TSE	Turkish Standards Institution
TUIK	The Turkish Statistical Institute
UDEP	Accessibility Support Project

UN	United Nations
UNDP	United Nations Development Programme
UNESCAP	The United Nations Economic and Social Commission for Asia and the Pacific
UNICEF	United Nations International Children's Emergency Fund
WHO	World Health Organization
YSK	Supreme Committee of Elections

Foreword

1. United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) that promotes full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities (PwDs) was signed by the Government of the Republic of Turkey on 30 March 2007. Ratification of the CRPD was approved by Law No. 5825 that was adopted by Grand National Assembly of Turkey (TBMM) on 3 December 2008 and the ratification process was accomplished by Council of Ministers Decision No. 2009/15137 on 27 May 2009. After 30 days following the submission of documents to UN Secretariat on 28 September 2009, it became binding for the Republic of Turkey. The Optional Protocol of the CRPD was signed on 28 September 2009 and the ratification process currently continues.

2. Being an international agreement duly put into effect as per Article 90 of the Constitution, the CRPD — like all other conventions on human rights - has the same force with the Constitution in the hierarchy of norms. Within this scope, the CRPD not only forms a basis for all legal and administrative arrangements, but also constitutes a principle of law to which independent Turkish courts can directly refer.

3. As of the content and status of the CRPD in domestic law; its ratification by Turkey brought forth significant opportunities for protection, promotion and enhancement of rights of PwDs in Turkey. Besides, it has attributed to enhancement of rights of PwDs, carrying national implementations to the level of internationally accepted standards, promotion of monitoring the implementation processes, activation of disability laws and policies in Turkey and elimination of possible shortcomings in the implementation of such policies.

4. Being prepared in line with Article 35 of the CRPD, this initial report aims for putting forward the measures and the progress taken in Turkey with regard to protection and promotion of human rights of PwD and for assessing the current situation from the perspective of the CRPD.

5. In preparation of this report under the coordination of General Directorate of Services for Persons with Disabilities and the Elderly (EYHGM) that was designated as the focal point of Turkey for the implementation of the Convention, "Guidelines on Treaty Specific Document to be submitted by State Parties under Article 35 of CRPD" was taken as a reference.

6. In the preparation process of this report, EYHGM cooperated with organizations representing PwDs, human rights centers of universities and agencies and institutions working in the field of policy making on disability related issues or providing service to PwD. Through this cooperation, EYHGM collected information from approximately 200 agencies or institutions. A transparent method was followed in the preparation of the report. The draft of the report was published on the official web-site of EYHGM and thus opened for comments or recommendations from Civil Society Organizations (CSOs). Besides, a meeting was held with various organizations representing different disability groups after 2 weeks from the publishing of the report with the purpose of discussing and receiving opinions on the draft of the national report. In this meeting, representatives of disability organizations stated that rights of PwD were legally guaranteed in Turkey at a considerable extent, but still, there were steps to be taken at the stage of implementation of the concerned guarantees.

Chapter I: General Provisions

Articles 1-4

7. With the aim of eliminating information and data deficiency on PwDs, 2002 Turkey Disability Survey was carried out in December 2002 by The Turkish Statistical Institute (TUIK) in cooperation with The Presidency of Administration for Disabled People (OZIDA) (defunct). The definition of a person with disability was made in the survey as follows: "Person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical capabilities". As per the findings of the survey, the proportion of disabled population to general population was 12.29%. Total disabled population corresponded to 8,4 million and the population distribution as per disability types were as follows: 9.7% chronic illnesses, 1.25% orthopedical disabilities, 0.48% mental disabilities, 0.38 speech and language disorders, 0.37% hearing disabilities and 0.6% visual disabilities (Annex 1/Table No.2). The age distribution of PwDs indicates that proportion of PwDs increase in parallel with age. However, the rate of increase is steeper for persons with chronic illnesses (Annex 1/Table No.3). When the proportion of disability is examined by sex, it is observed that the proportion of males is higher in the categories of orthopedical, visual and hearing disabled people. However, the proportion of females is higher in the category of chronic illnesses (Annex 1/Table No.1). Besides, proportion of disability differentiates in terms of regions (Annex 1/Table No.4) and urban or rural areas (Annex 1/Table No.5) of settlement.

8. In parallel with the global trends, the criteria on disability related data collection in Turkey does also undergo a transformation. Within this context, the Turkey Population and Housing Survey carried out by TUIK in 2011 across the country included a disability module in accordance with Washington Group criteria. According to the results of this survey based on 2011 population projection, 6.9% of the total population declared that they have at least one disability, 3.3% declared that he/she has difficulty in walking or climbing stairs, 1.4% difficulty in seeing, 1.1% difficulty in hearing, 0.7% difficulty in speaking, 2% difficulty in learning, doing simple calculations, remembering and concentrating when compared to their peers and 4.1% declared that he/she has difficulty in holding or lifting something (Annex 2/Table No.2). When interpreted in terms of sex, disability ratio is 5,9% for males and 7.9% for females. When assessed in terms of age groups, it is evident that the rate of people who declare that he/she has at least one disability increases in parallel with age. Whereas disability rate is 2.1% at age group of 10-14, 16.5% at age group 60-64 and 46.5% at age group 75 and over (Annex 2/Table No.1). In general, the rate of having at least one disability increases in parallel with age both for males and females. Regarding the education level of the population with at least one disability, it appears that the education level of this population is lower when compared to the general population. Whereas the rate of literacy of the general population is 95.5%, it is 76.7% for the population with disabilities. This rate is 89.1% for males with disabilities and 67.6 for females with disabilities. When compared to the increase in the general level of education, the education level of persons with at least one disability decreases. Moreover, the education level of females with disabilities is lower than the level of males at all education categories (Annex 2/Tables No.3,4). Labor force participation rate of the population with at least one disability is quite low when compared to the participation rate of general population. Whereas the labor force participation rate is 45.5% for the general population, it is 22.1% for PwDs. Gender based evaluation indicates that participation rate of women is lower at both categories when compared to the level of men (Annex 2/Tables No.5, 6).

9. The results of 2002 Disability Survey that was prepared in line with a medical approach are not comparable to the results of 2011 Population and Housing Census carried out in conformity with International Classification of Functioning Disability and Health (ICF) perspective.

10. In addition to the aforementioned surveys, disability related questions are also included to surveys carried out in specific fields with the purpose of obtaining disability

data. For example, disability related questions are included in Health Survey that has been started to be carried out since 2008 at national level biannually. This survey allows for comparability at international level.

11. Turkish Disability Act (TDA) No. 5378 of 2005 defines a person with a disability as follows: "Disabled is the person who has difficulties in adapting to the social life and in meeting daily needs due to the loss of physical, mental, psychological, sensory and social capabilities at various levels by birth or by any reason thereafter and who therefore need protection, care, rehabilitation, consultancy and support services". The same definition was used together with a definition of "severely disabled person" in Regulation Regarding the Criterion and Classification of Disability, and the Health Committee Reports to be issued to the PwDs. The definition of the "severely disabled" in this regulation is as follows: "persons that are medically assessed to have 50% disability rate and difficulty or inability in performing daily activities without assistance of other people (Art. 4).

12. Although definitions used in CRPD are not directly included in National Legislation, measures to be taken with regard to the content of the concerned definitions are embedded in the legislation to a large extend. In terms of communication and language, National Legislation includes various measures for promoting special procedures and/or means of communication for PwDs with the purpose of making communication possible for all individuals at all fields of life.

13. The term "disability based discrimination" was included in Turkish Criminal Law No. 5237 (TCK) and thus, as per the related provisions of this law, discriminatory actions based on disability became subject to penal sanctions.

14. "Reasonable accommodation" takes its place in Turkish Legislation in such a way that the related provisions set forth the obligation for making necessary physical rearrangements in education and work environments and/or rearrangement or provision of materials for PwDs. All legal arrangements regarding these concepts will be tackled under the related headings of the report.

General provisions and obligations

15. Organization and functions of the governing structure in Turkey is based on the principles of central administration and decentralization. In terms of central administrative structure, Turkey is divided into provinces on the basis of geographical situation, economic conditions, and public service requirements; provinces are further divided into lower levels of administrative districts (Constitution, Art. 126). Nationwide institutions of Ministries are called "Provincial Organizations". The provincial organizations constitute of provincial and county administrations and all ministries have administrations at provinces.

16. Local administrations are public corporate bodies established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose principles of constitution and decision-making organs elected by the electorate are determined by law (Constitution, Art. 127).

17. Services for PwDs in Turkey are rendered by separate ministries and local governments. Central organizations of ministries steer activities of provincial organizations by way of making policies and planning activities in conformity with their policies. Monitoring activities of the central administration are carried out either by central or provincial organization, depending on the relevance.

18. Having been established in 1997 affiliated to Prime Ministry as an institution responsible for making policies and planning services for PwDs, OZIDA was structured as a coordination organization due to the fact that disability related issues/services were being rendered by various ministries. In 2011, the Administration was renamed as EYHGM and thus it was restructured at central and provincial levels under the organization chart of Ministry of Family and Social Policy (ASPB) that was established by Decree Law No. 633.

19. EYHGM is a public institution affiliated with the legal entity of ASPB and carries out activities in coordination with related organizations and institutions with the aim of

supporting PwDs enjoy their rights and developing policy and services for PwDs. Within this scope, it works towards mainstreaming disability in instruments of governmental planning with a holistic approach and besides, it prepares and implements action plans for the priority areas determined in line with the basic problems of PwDs. "2010-2011 Strategy and National Plan of Action on Accessibility" and "2011-2013 Strategy and Plan of Action on Care Services" are recent examples

20. Development Plans that have been carried out with the purpose of setting the framework of policies and implementations in Turkey since the period of 1963-67 have great importance in mainstreaming disability related issues to planning documents. In the first periods of development plans, measures for PwDs generally recognized them as people in need of care and protection. However, starting from 1990s, such measures has been replaced by the ones aiming for ensuring full and equal participation of PwDs to social life.

21. The measures for promoting and ensuring full and equal enjoyment of all human rights and fundamental freedoms by PwDs in Turkey have been set at the level of national policy. Pursuance of the issue of disability in all fields of policy under a rights based approach and ensuring participation of PwDs to decision making processes constitute the basis of disability policy in Turkey. Especially since the second half of 1990s, many significant institutional or legal arrangements have been actualized with the aim of ensuring participation of PwDs to decision making processes and social life in many fields such as employment, accessibility, social security, education and vocational education.

22. Prime Ministry Administration on Disabled was established affiliated with the Prime Ministry in 1997 in accordance with the Decree Law No. 571 and with the objectives of monitoring services for disabled so that they can be delivered in a more comprehensive and effective way, developing coordination and cooperation among national and international institutions, defining problems of disabled people and making researches in order to solve these problems. By the help of two advisory boards named Disability Council and Executive Committee on Disability affiliated with Prime Ministry, the Administration ensured participation of other public organizations/institutions and disability CSOs to implementation and monitoring processes.

23. The activities of Disability Council aimed at addressing all types of views or solution suggestions, establishing principles and programs that would form a basis to national policies, contributing to the awareness raising activities and ensuring that international developments are transferred to and discussed at national level. Having been the supreme advisory board of OZIDA, the mission of the Council was to take concluding resolutions and carry out researches on disability related issues. The meetings of the Council were held with the participation of PwDs and representatives of private and public institutions, CSOs and universities that have been engaged in disability related activities. The council assembled for 4 times so far: The First Disability Council held in 1999 with the theme "Contemporary Society, Contemporary Life and the Disabled", the second in 2005 with the theme "Local Administrations and Disabled People", the third in 2007 with the theme "Care Services" and the last one in 2009 with the main theme "Employment".

24. Executive Committee on Disability consisted from the representatives of governmental organizations carrying out activities in the field of disability, confederations and federations of disability CSOs and relevant social partners. The Committee was responsible for determining the priority levels of the projects that were prepared/evaluated by or upon instruction of the Administration; deciding upon the projects to be implemented; making high level policies about the services to be provided to PwDs and delivering opinions and recommendations. The Executive Committee assembled 29 times until 2011.

25. Understanding of disability policy in Turkey was shaped by Disability Act that can be defined as a framework law on disability. This law established that developing policies to prevent any possible governmental abuse of disability or PwDs in the provision of disability services in the light of immunity of human dignity and honor; ensuring anti-discrimination forms the basis of disability focused policies. Furthermore, ensuring that the opinions of PwDs, their families and voluntary agencies taken into account during decision making processes or service provision was also included in the general principles.

26. This process which aimed for developing disability policies and programmes through researches focusing on PwDs and the society's perception of disability, contributed significantly to the change in the traditional attitudes towards PwDs by means of national and/or local awareness raising activities. A remarkable increase in the funds allocated for disability related services, reinforced international cooperation in the field of disability and higher utilization of international funds also gave acceleration to improvements in this field in Turkey.

27. Parallel to these developments, by enactment of Decree Law No. 633 on 08 June 2011, a new ministry under the title of ASPB was established with the purposes of rendering social services and assistance more efficiently and with a more holistic approach. After this date, OZIDA that had been operating affiliated with the Prime Ministry since 1997 and the related units of Turkish Social Service and Children Protection Institution (SHCEK) that had been rendering disability services in local level were reconstructed to form the EYHGM under the roof of ASPB. CSOs of PwDs consider that operation of EYHGM both in local and national levels within a unified organizational structure as the focal unit in promoting and monitoring the implementation of CRPD would bear more effective results.

28. In order to promote the implementation and monitoring of the Convention, Monitoring and Evaluation Board on the Rights of Persons with Disabilities was established in line with Prime Ministry Circular No. 2013/8. It was envisaged that the board would be consisted of high level representatives of the related and responsible public institutions and representatives of certain disability CSOs or human rights institutions. The board has the tasks of carrying out administrative and legal work regarding protection, enhancement and usage of the rights of PwD, making recommendations on the possible measures to be taken, drafting and approving strategies and plans of action and ensuring cooperation and coordination among institutions.

29. PwDs in Turkey can resort to the jurisdiction in case they think their rights are being abused and they can also apply to various authorities in order to have the concerned abuses assessed or corrected. In line with the provisions of Article 74 of the Constitution on right of petition, citizens hold the right to submit their complaints through official petitions to parliamentary or to competent authorities. Law No. 3071 of 01 November 1984 on Right to Petition provides that applicants have the right to receive a justified response from the public authorities within 30 days at the latest. The petitions submitted to the TBMM are answered by Petition Commission within 60 days. Some of the petitions are sent to the related public institutions by the Commission and the responses are collected within 30 days at the latest.

30. Besides, in accordance with Article 74 of the Constitution, citizens can apply to government auditor for their complaints about the functioning of public administrations. Within this context, Public Investigation Institution (Ombudsman) affiliated with TBMM Speaker's Office was established by enactment of Law No. 6328 on 14 June 2012. This institution is responsible for investigating, researching and making recommendations about the conformity of all kinds of actions, acts, attitudes and behaviors of the administration with law and fairness under the respect for human rights. Natural and legal persons including foreign national may lodge complaints to the Ombudsman Institution. Chief Ombudsman is assigned for a period of 4 years by TBMM through secret balloting. While performing their duties, Chief Ombudsman and other ombudsmen have to act according to the principle of impartiality. Natural and legal persons have the right to apply to the institution and their identities are kept confidential on request. Regulation on Procedures and Principles Concerning the Implementation of Law on Ombudsman Institution which establishes the procedures and principles of applications and the scope of the mechanism took affect when it was published in Official Gazette No. 28601 of 28 March 2013.

31. Another mechanism to be applied to in case of violations, Human Rights Presidency affiliated with Prime Ministry was restructured with the provisions of Law No. 6332 of 21 June 2012 as an independent human rights institution with the title of Turkey Human Rights Institution. Being financially and administratively independent, the institution is comprised of one board and one presidency. Turkey Human Rights Board consisting of 11 members 7 of which are assigned by the Council of Ministers, 2 by the President, one by

Higher Education Council and 1 by Bar Presidents is the decision making organ of the institution. Natural and legal persons who are in the opinion that their rights were violated can apply to the institution. With the purpose of facilitating application procedure, complaint applications for violations to be made to Human Rights Institution are received by Human Rights Boards in 81 provinces and all districts of the provinces.

32. As per the decision taken by TBMM Human Rights Investigation Commission on 5 December 2012, a sub-commission was established with the purpose of investigating disability rights and violations of human rights of PwDs. The report drafted by this sub-commission is available at: http://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2013/raporlar/engelli_haklari_ inceleme_raporu.pdf.

Chapter II: Special provisions (Specific Rights)

Article 5: Equality and non-discrimination

33. Right to legal remedies is a constitutional right for all citizens including PwDs. Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures. No court shall refuse to hear a case within its jurisdiction (Constitution, Art. 36). Everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities. The State is obliged to indicate in its proceedings, the legal remedies and authorities the persons concerned should apply and time limits of the applications (Constitution, Art. 40).

34. In Turkey, the principle of equality and non-discrimination regulated within the scope of constitution and other related Laws forms the basis of disability policy. The Constitution provides that everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds (Constitution, Art. 10). Subjecting all persons with or without disabilities to the same procedures sometimes result in de facto inequalities and thus PwDs may become disadvantaged in terms of performing certain rights. Some additional measures are needed for ensuring full enjoyment of disability rights. As per an amendment made in the Constitution in 2010, the measures to be taken to ensure the equality exist in practice shall not be considered as violation of the principle of equality.

35. TDA provides that the State shall develop social policies against all kinds of abuse of disability in general and all PwDs on the basis of the immunity of human honor and dignity; state shall not discriminate against PwDs and fighting against discrimination shall form the basic principle of policies towards PwDs (Art. 4).

36. Another significant legislative arrangement made in terms of ban on disability discrimination is 2005 dated amendment made in TCK. By means of this amendment, the term disability was added to the conditions of discrimination which shall be deemed to be offensive action and thus disability discrimination became a crime (Art. 122). Within this scope, any person who perpetrates any one of the actions deemed as offense in TCK and thus makes discrimination between individuals in terms of disability shall be sentenced to imprisonment from six months to one year or imposed punitive fine. The first criminal sentence for disability discrimination was given by Bakırköy Criminal Court of First Instance in 2009.

37. National Education Basic Law No. 1739 underlines the principle that education institutions are open to everyone without discrimination. According to the provisions of this law, all Turkish citizens hold the right to primary education. Equal opportunities and chances are provided for all persons including both men and women. The law also provides some provisions on applying special measures for ensuring children in need of special education and social protection exercise their right to education. Labor Law No. 4857 bans discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons within employment relationship. TDA also underlines the ban on

disability discrimination in its provisions regarding education (Art. 15) and employment (Art. 16).

38. In general, "disability" and "types of discrimination" which are vital to anti-discrimination or fighting against disability discrimination have not yet been defined in the related legislation, but there is currently an effort in defining discrimination in Turkish Legislation and establishing the applicable penal sanctions. Besides, though not defined, there are various reasonable accommodation measures taken in the fields such as education or employment.

39. Together with enforcement of TDA, ratification of CRPD has also been one of the most significant steps taken in improving anti-discrimination legislation. In line with the provisions of Article 90 of the Constitution, the internationally accepted definitions of "disability discrimination" and "reasonable accommodation" have, thus, directly been applied to Turkish Legislation.

40. Additionally, Article 14 of European Convention on Human Rights for which the procedure of individual communication was recognized by the Republic of Turkey also prohibits discrimination. Although the term "disability based discrimination" is not mentioned openly in the related article, there are court decisions that deem the concerned article to include disability based discrimination. As a result of the right of individual communication to European Court of Human Rights (ECHR), the court has the function of higher monitoring for Turkish citizens. For this reason, all Turkish citizens including the ones with disabilities who exhausted domestic remedies have the opportunity of applying to ECHR for violation of their rights. In addition, Protocol No. 12 of the European Convention on Human Rights was signed by Turkey on 18 April 2001.

41. A project titled "Fighting against Disability Discrimination in Turkey" was carried out in 2010 under the PROGRESS Programme of European Union (EU). The project aimed supporting the formulation of a national strategy to fight against disability discrimination in Turkey. In this regard a field survey was conducted by which data has been gathered on perception of PwDs about discrimination and areas where discrimination is experienced, level of knowledge about legislation, appealing bodies and support mechanisms related to discrimination, personal experience of discrimination and individual methods used to overcome discrimination.

42. The survey that had the PwDs who were members of organizations of and for PwDs as the target groups indicates that PwDs have the perception that they are exposed to discrimination and that they cannot achieve full participation to social life as a result of this discrimination. To give examples from the result of the survey; 51.9% of the sample group think that they face a certain degree of discrimination in access to justice and 57.6% think there is discrimination in participation to social life. Besides, 71.3% of the sample group declared that they did not have knowledge about the legislation prohibiting disability based discrimination. Moreover, it was found that 56.9% of the group did not know where to apply to and 58.7% did not know where to receive support and consultancy in cases of violations. When the level of knowledge on CRPD was asked, 80% had restricted levels of information.

43. The results of the survey carried out within the scope of the Project "Fighting Against Disability Discrimination in Turkey" put forward the level of discrimination PwDs face in processes such as education, employment, access to information and participation to social life. These results emphasized the need for developing legal remedies and increasing the awareness and knowledge level of the society about disability discrimination and the rights of PwDs alongside of their effective implementation for ensuring full and equal participation to social life. Within the scope of this Project, a Symposium on Fighting against disability Discrimination in Turkey was held in Ankara. The symposium provided the context for sharing the survey results, EU policy on fighting disability discrimination and good practices in European countries among the 200 representatives of relevant public authorities, universities and social partners. Besides, current situation, existing problems and policy recommendations in relation to combating disability discrimination in Turkey were discussed to support the formulation of a national strategy.

Article 6: Women with disabilities

44. Measures taken for all women in Turkey are also relevant for women and girls with disabilities. Additionally, all measures focusing on PwDs cover women and girls with disabilities.

45. Article 10 of the Constitution provides that everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds. With an amendment made in this article in 2004, it was provided that men and women have equal rights and state is responsible for ensuring this equality. As per an amendment made in the Constitution in 2010, the measures to be taken to ensure this equality exist in practice shall not be considered as violation of the principle of equality. Besides, the amendment of 2010 also guaranteed that measure to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality.

46. The Committee on Equality of Opportunity for Women and Men of TBMM is responsible for protecting and promoting women's rights, following the international developments on ensuring gender equality, informing TBMM about these developments and presenting opinions about draft laws, legislative proposals and decree laws.

47. The General Directorate on the Status of Women affiliated with the ASPB is responsible for promoting women's rights; improving women's social, economic, cultural, and political status and ensuring that women enjoy equal rights and opportunities in all walks of life and it carries out activities for women including women and girls with disabilities. Within this scope, the General Directorate held two Congresses of Women with Visual Disabilities in 2007 and 2008 with the purposes of increasing public awareness about the rights of women with visual disabilities and providing a source for the policies to be designed for the elimination of current problems. Held in cooperation with Six Dots Association of the Blind and Federation of the Blind, the Congresses tackled the issues of violence towards women with visual disabilities, organizing among women with visual disabilities, perception of mass media and intra-family relations of women with disabilities.

48. Sabanci Foundation that supports equal opportunities and full participation of PwDs, women and youth initiated a project titled "Rights Based Struggle Steps of Women with Disabilities" in 2012 within the context of Grant Scheme on Social Development that has been given since 2009.

Article 7: Children with disabilities

49. Turkish legislation provides constitutional guarantee for the measures to be taken by the state for all kinds of abuse and violence against children staying in children's homes and protection of all children including those with disabilities (Constitution, Art. 41). Besides, safeguarding the interest and well-being of juveniles was set as a legal basis by Juvenile Protection Law and was accepted to be a basic principle to be followed in implementation processes (Art. 4).

50. The position of children with disabilities in decision making processes can be deemed in parallel with provisions promoting and supporting the participation of all children into decision making processes. With regards to participation of children to decision making processes, Turkish Civil Code provides that: Parents shall allow the child to set his/her life the extend of his/her maturity; they shall take his/her opinions on important matters into consideration as much as possible (Art. 339). Juvenile Protection Law aims for regulating the procedures and principles with regard to protection of juveniles who are in need of protection or who are pushed to crime, and ensuring their rights and wellbeing also provides as one of the basic principles of protection that children and their families should be included in decision making processes by means of informing them and children's opinion should be sought while taking measures about them (Art. 4). Additionally, Associations Law includes the following provision on children; "Minors over 15 having the necessary sensibility may either found child associations or be a member in order to enhance their psychical, mental and moral capabilities, to preserve their rights of

sport, education and training, social and cultural existence, structure of their families and their private lives with a written permission given by their legal representatives. Minors over 12 years old may become members of child associations however, they cannot be commissioned in executive and auditing boards" (Art. 3).

51. "1. Strategy Paper and Plan of Action on The Rights of Children (2013-2017)" prepared with the participation of public organizations, CSOs and children acknowledges that the best interest of children is more prior to all other interests and it has the aims of basing policies on children's rights to life, development, protection and issue opinion on decision making processes, fighting against discrimination and ensuring that childhood period is spent on the basis of children's rights. The Strategy Paper was finalized by taking into consideration of the views of all related sectors and it is planned to be implemented in 2013. Being based on the values of civilization and the criteria and principles set by the Convention on the Rights of the Children, the strategy paper determines the future implementations. The Paper aims harmonizing national activities and implementations with children's rights, protecting children against all affecting parties and ensuring access of children to basic needs and services. It has a non-discriminative perspective that covers all children with or without disabilities. The principle of ensuring participation of children to decision making processes constitutes one of the keystones of the Strategy Paper. As mentioned in the explanations on Article 5 and 12 of this report; children with disabilities and all citizens are considered equal in line with the related provisions of the Constitution and other laws.

Article 8: Awareness-raising

52. Activities on raising public awareness about disability and the rights of PwDs, that gained acceleration with the establishment of OZIDA (defunct) in 1997, are currently being carried out by EYHGM affiliated with the ASPB.

53. In this process the following activities have been realized with the purpose of increasing public awareness and visibility of PwDs in society; organization of workshops, seminars, symposiums and conferences at national and regional levels; publication of brochures, books, research reports, guides etc.; preparation of spot films for publication in national mass media; organization of campaigns, contests and festivals.

54. International Day of PwDs (3 December) and nationally celebrated Week of PwDs (10-16 May) contribute a lot to awareness raising activities in Turkey. In these dates of the year, various activities are carried out by EYHGM, disability organizations, professional organizations, universities and some media organizations broadcasts programmes on disability and the rights of PwDs. EYHGM organizes several events and supports or contributes to other events organized by other relevant parties. For example, in cooperation with General Directorate of Post and Telegraph Organization (PTT), memorial postage stamps and envelopes were printed with the theme of "Accessible and Barrier Free Turkey for All".

55. Besides, OZIDA (defunct) published a quarterly titled "OZ-VERI" between 2004 and 2010 with the purpose of supporting scientific publications on disability. After 2011, ASPB started publishing semi-annual "Social Studies Journal" that includes scientific articles on disadvantaged groups including PwDs. Furthermore, "Family Journal" that involves recent developments regarding the sphere of activity of the Ministry has been published since 2011.

56. Within the scope of project "Barrier Free Turkey" that was carried out by OZIDA (defunct) under the auspices of Prime Minister with the aim of increasing public awareness and consciousness on the rights of PwDs; 150 panels and conferences were held in 72 provinces with the participation of local government administrators such as governors, deputy and district governors and mayors; representatives of relevant CSOs, PwDs and their families.

57. In addition, with the purpose of increasing social awareness on disability issues, a Programme titled "Support Programme for Persons with Disabilities" (EDES) was initiated

in 11 provinces located in Central and Eastern Black Sea Regions where the disability rate is the highest in Turkey. Within the scope of this programme, financial resources were allocated to offices of the governors in order to support disability focused projects. In 2011, 2 Million Turkish Liras (TL) was allocated for 11 projects that were found eligible among 158 Projects. In 2012, 4 million TL were allocated for 63 projects out of 109. It's planned that EIDS will cover all provinces in the region in 2013.

58. With the purposes of emphasizing the rights covered by CRPD and promoting the use of these rights by PwDs, a panel on the scope of CRPD was organized on 4 December 2008 on the occasion of the International Day of Persons with Disabilities. Parliamentarians, academicians, representatives of relevant governmental institutions and CSOs attended the panel and a brochure on CRPD was disseminated to panel participants, all relevant parties and PwDs.

59. On the other side, one of the commissions of 4th Disability Council held between 16 and 20 November 2009 was assigned to "Equality of Opportunities in Employment and Fighting against Disability Based Discrimination" with the aim of forming a CRPD focused basis to the efforts made in the field of employment.

60. Moreover, with the purposes of raising awareness on various provisions of CRPD and promoting the implementation of these provisions, 3 workshops were held in cooperation with Technical Assistance Information Exchange Office (TAIEX) of the EU. Titles and the dates of these workshops were: "Anti-Discrimination Mechanism in EU Countries" on 11 September 2009, "National Implementation and Monitoring Mechanisms of CRPD" on 21 March 2011 and "Implementation and Monitoring of CRPD: Data Collection and Statistics on Disability in European Countries" on 5 October 2012.

61. In 2012, Turkish version of "UN Handbook for Parliamentarians on the UNCRPD and the Optional Protocol" was published in 5000 copies by EYHGM in cooperation with the Human Rights Joint Platform (IHOP), which is a CSO and the Turkish Association of Municipalities (TBB), the umbrella organization of the municipalities in Turkey.

62. There are also various information activities aimed at mobilizing the related parties of the society in order to ensure adoption of the understanding and provisions put forward by CRPD and an effective implementation of these provisions. Within this scope, EYHGM conducted a project titled "Awareness Raising Seminars on Human Rights and Disability" in 2012. Having been financed by national resources, information seminars were held for 4 major groups with the purpose of ensuring that CRPD is taken as a basis in all policy making and implementation processes and that disability is tackled with a holistic approach. Four separate seminars were held for representatives of public authorities, CSOs, members of judiciary and legislative body experts and each seminar had a special programme designed according to the field of expertise of participants. Additionally, implementation guidebooks were prepared for these target groups in order to promote implementation of CRPD in Turkey. The guidebooks were also prepared and published in accessible formats such as audio-visual and easy to read versions and distributed to all relevant stakeholders. Besides, a special section (http://engelli.eyhgm.gov.tr/welcome/) was formed on the official web page of EYHGM in order to raise awareness on the efforts for the implementation of CRPD.

63. Within the Context of Law No. 6112 on the Establishment of Radio and Television Enterprises and their media Services, it was provided that Media service providers shall render their media services in accordance with the principles with an understanding of the responsibility towards public and they shall not broadcast in a way to encourage the abuse of or violation against PwDs (Art. 8). The law also provides that the violators of these principles shall be imposed to a penalty.

64. In addition, Directive on Public Service Announcements that was put into effect on 08 August 2012 by The Radio and Television Supreme Council (RTUK) provides for giving priority to disability focused spot films. The results of the Survey on "TV Watching Listening Tendencies of Persons with Disabilities" that was carried out by RTUK was disseminated to the broadcasting enterprises with the purpose of promoting accessible, instructive and informative broadcasting on the rights and problems of and services for PwDs (Also see Art. 21).

64. National media frequently give place to various broadcasts that aim for raising awareness and consciousness on disability. Besides public broadcasting Turkish Radio and Television Association (TRT) broadcast programmes targeted for various groups of audience (children, youth, and adults) on its different channels. On the other hand, General Directorate of State Theatres stages some plays aimed at increasing disability awareness. General Directorate of Security Affairs and Directorate of Religious Affairs also published several publications with the aim of increasing public awareness on disability and the rights of PwDs. Awareness trainings were organized for the personnel of these institutions; 437 religious officials participated in these training courses in 2009 and 2010.

Article 9: Accessibility

66. Recently, some significant legislative arrangements have been made in order to ensure independent and assisted access of all buildings, open spaces and transportation vehicles by PwDs.

67. The most outstanding of these arrangements is the amendment of Construction Law No. 3194 by provisions of Law No. 5572 on 10 May 1997. The amendment provides for the obligation of abiding by the related standards of Turkish Standards Institution (TSE) on planning for accessibility in construction plans; urban, social and technical infrastructure plans and buildings. Thus, the obligation of ensuring accessibility in planning, certification, implementation and monitoring activities was imposed to all relevant parties that are responsible for rendering urban services with regard to built environment (Additional Art. 1). Besides, related amendments were made in building by laws in 02 September 1999 in order to take necessary measures to ensure accessibility.

68. With the related provision of IDA, it was provided that all existing buildings and open spaces used by general public shall be brought to suitable condition for the accessibility of PwDs within seven years after the date of effect of the Law (Provisional Art. 2). Besides, IDA also provides for ensuring accessibility of public transportation services operated or audited by municipalities or metropolitan municipalities within 7 years (Provisional Art. 3). Prime Ministry Circular No. 2006/18 of 12 July 2006 and Prime Ministry Directive of 12 August 2008 were issued with the purpose of promoting the implementation of these provisions on accessibility that were regulated by IDA.

69. Despite all arrangements and measures taken, it was assessed at the end of the granted period that the related parties did not fully and satisfactorily carry out their responsibilities in terms of ensuring accessibility. Therewith, a monitoring and auditing mechanism was established on 12 July 2012 as per related provisions of Law No. 6353 that amended IDA. Thus, general and special sanctions were provided for those who did not fulfill accessibility obligations. Following a legislation amendment in 2012, the period of time given for accomplishing accessibility arrangements was extended for 1 more year. The aim of the extension was establishing an audit and monitoring mechanism that will help in facilitating and accelerating accessibility arrangements. This arrangement concluded the establishment of accessibility monitoring and auditing commissions consisting of representatives of related ministries and disability confederations in all provinces. As a result of the audits made by these commissions, an extra period was granted (until 7 July 2015) to municipalities, public institutions and the owners of the public buildings, open spaces and public transportation vehicles for the elimination of accessibility shortcomings and it was determined to impose an administrative fine to natural and legal persons who do not fulfill their obligations (Provisional Art. 3).

70. Based on the amendment above, Regulation on Monitoring and Auditing Accessibility Arrangements was enacted and published on 20 July 2013. The aim of the regulation is; assessing accessibility level of public buildings, open spaces and public transport vehicles in line with the accessibility standards in force; establishing an electronic infrastructure that will facilitate the monitoring process; imposing fine for inaccessibility; rewarding and promoting accessibility works by means of "National System on Monitoring Accessibility" which covers GIS and e-learning reports and statistical data.

71. In addition, various facilitating measures were taken in Property Ownership Law No. 634 for the project revision of the dwellings where PwDs reside (Art. 19). Moreover, necessary amendments were made in the Highway Traffic Law No. 2918 with the purposes of allocating special parking lots for the use of drivers with disabilities, prohibiting use of such lots by other drivers and designing parking cards for PwDs.

72. Principles for production of accessible vehicles to be used in public transportation and technical features of modifications to be made in vehicles in use were established by the provisions of Type Approval Regulation on Special Provisions on Vehicles with More than 8 Passenger Seats and Vehicles Used for Passenger Transportation that was put into practice on February 2009. Additionally, a circular titled "Modification of Inner-City Public Transportation Buses for Accessibility of Persons with Disabilities" was issued to facilitate the implementation of Provisional Article 3 of TDA. Besides, another regulation was put into effect in 2011 to ensure the necessary measures taken for facilitating the ship to shore and shore to ship passage of PwDs. "Barrier Free Airports Project" was initiated by Directorate General of Civil Aviation for ensuring accessibility of all airports in Turkey. Within the scope of this project, 13 airports were found eligible for the award of "Barrier Free Airport Organization" to which 23 other organizations have applied.

73. Accessibility related standards of Turkey that include the basic accessibility principles are prepared and revised by TSE in coordination with EYHGM. There are currently standards on buildings, open spaces, tactile ground surfaces, elevators and transportation stations.

74. With the intention of steering efforts of creating accessible built environments, the year of 2010 was declared as "Year of Action for Accessibility for All" as per the Consent of Prime Ministry. Within this framework, "Strategy Paper and Plan of Action on Accessibility (2010-2011)" was prepared by contributions of related CSOs and governmental institutions under the coordination of OZIDA (defunct) and it was approved by Decision No. 2010/35 of Higher Planning Council. Within the context of the Action Plan, Council of Higher Education in coordination with EYHGM issued and disseminated a circular on including the principle of *Accessibility for All* into the curricula of the following departments of Universities; architecture, urban and regional planning, interior architecture, industrial design of products, landscape architecture. Besides, Forms of Accessibility Assessment for Open Spaces and Buildings that include checklists designed with the intention of assessing existing barriers and planning for the improvement work were also prepared and published as per the Action Plan in order to ensure accessibility of built environments. Accessibility focused awareness raising activities were organized between 2011-2012 with the participation of managers of local governments and public institutions with the purpose of raising accessibility awareness and knowledge of the relevant institutions and organizations. Within this context, 15 information sharing seminars were held in various regions of the country for local governments. Approximately 6,000 top managers and technical personnel were informed about accessibility within 2 years.

75. Various landscaping activities were carried out in TBMM in coordination with EYHGM with the purpose of removing physical barriers in the buildings and garden of TBMM. Awareness raising trainings were organized for the personnel of TBMM on attitudes to visitors with disabilities. Besides, sign language education was given to the staff employed at Visitors Admission and Guidance Unit. The current situation and the physical barriers in TBMM facilities were assessed and brought to compliance with accessibility standards in force. In accordance with the principle of "Disability Friendly Assembly", arrangements and modifications were made in the web page of TBMM for ensuring accessibility of PwDs.

76. Turkish Directorate of Religious Affairs included the measures to be taken for ensuring accessibility of mosques in its circulars of 2005 and 2007. Additionally, a decision was taken with regard to rearrangement of mosques in line with the needs of PwDs in Provincial Mufti Seminar held in 2012 and some model implementation of accessibility arrangements were started in chosen mosques. However, due to the fact that most of the mosques are built by charitable citizens and their property rights belong to natural and legal persons, some problems are faced in accessibility arrangements. By means of awareness raising activities, it's planned to overcome such problems.

77. General Directorate of Security Affairs also has made 877 police stations accessible and assessed the accessibility of its buildings. Accessibility requirement has been included in the technical specification for the buildings of security units. Besides, traffic institutions are currently adapting their buildings for accessibility. Moreover, Directorate General has started allocating a budget for accessibility arrangements regularly since 2011.

78. Finally, within the scope of "2012-2013 Accessibility Support Project" (UDEP), it is being planned to ensure implementation of accessibility arrangements in some selected provinces which have piloting areas with various urban practices in line with TSE Standards and scientific criteria and thus extending accessibility to provincial and national borders.

79. All kind of plans, projects, constructions, audits or the tenders to be realized in relation to build environment have to comply with the zoning legislation and TDA.

Article 10: Right to life

80. In Turkey, everyone has the constitutional right to life and the right to protect and develop his/her material and spiritual entity. Besides, the corporeal integrity of the individual shall not be violated except under medical necessity and in cases prescribed by law; and shall not be subjected to scientific or medical experiments without his/her consent (Art. 17).

81. The death penalty or capital punishment was abolished by an amendment made in the Constitution in 2001. It should be stated here that, although the capital punishment was involved in the laws and the courts delivered judgments between 1984 and 2001, no laws were enacted on the execution of this penalty. Consequently, execution of death penalty was suspended after 1984 in Turkey. In 2004, basic laws of the new Turkish Criminal Justice System were adopted and death penalty was not included in TCK which was enacted in 2005 within this context. The punishment of the crime of intentional killing was prescribed as life imprisonment. With the purpose of strengthening the effect of deterrence from perpetrating this crime against PwDs, the law provides for aggravated life imprisonment to the persons who perpetrate the crime of voluntary slaughter against persons who are unable to defend themselves due to mental or physical disabilities.

Article 11: Situations of risk and humanitarian emergencies

82. In Turkey, activities aimed at carrying out programmes on prevention of and preparation for disasters and damage reduction are under the scope of authority and duty of the Disaster and Emergency Management Presidency (AFAD) affiliated with the Prime Ministry. The general approach in policies aimed at situations of risk and humanitarian emergencies is that the state shall do planning for disasters; in cases of disasters, aid forces of the state shall be forwarded to the disaster area as soon as possible and all victims including the ones with disabilities shall be provided with necessary aid immediately and efficiently. In accordance with the regulation on AFAD and response to disasters or emergencies, administrative chiefs shall be responsible for performance of any kind of immediate action and aid after a disaster (Art. 4).

83. Boğaziçi University Kandilli Observatory and Earthquake Research Institute and OYIDA (defunct) initiated a project titled "Readiness for Natural Disasters" with the objective of building a society with high awareness of disasters and reducing the impact of earthquakes. Within the context of this project, various activities were carried out in order to raising awareness of groups of PwDs on the potential dangers of earthquakes and encouraging them on preparedness to earthquakes. Outcomes of the project included a CD and a Handbook named "Living with Earthquakes: Preparedness of Persons with Disabilities to Earthquakes" that covered separate sections for different types of disabilities.

84. Prepared by AFAD in 2009, Booklet "First 72 Hour of Persons with Disabilities in Earthquakes" is another publication that aims for contributing to the security of PwDs

during natural disasters. Soft copy of this booklet can be obtained from the website of AFAD.

85. In line with the European and Mediterranean Major Hazards Agreement (EUR-OPA); Training Center of Natural Disaster in Europe that carries out its activities within the structure of AFAD held summer school training on "Psychosocial Support in Natural Disasters and Vulnerable Groups" in September 2011 in Antalya province. Within the scope of the training, workshops were held on special needs of disadvantaged groups with a high risk in disasters such as women, children, PwD and immigrants. Participants of these workshops included undergraduate or post graduate social science students from Georgia, United Kingdom, Spain, Moldova, Slovenia and Turkey.

86. AFAD's Department of Management of Disasters and Emergency Situations held an international workshop on "Content and Methods of Disaster Focused Awareness Raising Trainings for Vulnerable Groups" within the context of activities organized by Disaster Preparedness and Prevention Initiative in December 2011. In addition, this department held a seminar on disaster preparedness trainings for vulnerable groups with the purpose of developing training programme for high risk group of people (women, children and PwD) in March 2012 in Antalya within the context of Disaster Management Training Programme of Disaster Preparedness and Prevention Initiative for South Eastern Europe.

Article 12: Equal recognition before the law

87. The Constitution secures the right to recognition before law with its Article 10 as everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Through an amendment made in this article in 2010, the following provision was added: "Measures to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality."

88. Legal capacity in Turkish Legislation includes the issues of capacity to hold rights and capacity to act. The main legislation on legal capacity is the Turkish Civil Code No. 4721. Article 8 of Turkish Civil Code reads as follows: "Every person is entitled to a vested right. Accordingly, all the persons are equal in using rights and fulfilling obligations within the legal limits." On the other hand, actual exercise of rights is bind to specific conditions stated in Article 10. In other words, persons having capacity to act may possess any right by his/her own will and may undertake any obligation thereof (Art. 9). The conditions of incapacity to act are also explained in the Law.

89. Infants and persons who are in a state of disability or lack of distinguishing power are regarded non sui juris (Art. 14). At this point, power of discernment comes to the front as a significant issue with regards to legal capacity of PwDs. The law explains: "every person who is not minor, or mentally defective or suffering from mental illness, or intoxicated, or beyond self-control by similar reasons, is deemed to possess distinguishing power" (Art. 13). Besides, "provided that the cases specifically indicated in the Law are being reserved, any act by a person lack of distinguishing power may not lead to legal consequences (Art. 15)".

90. Furthermore, Turkish Civil Code also provides that any adult who cannot handle his affairs due to mental illness or mental impairment or who needs assistance for protection and care or who jeopardizes the safety of others shall be restricted (Art. 405). Infants and disabled persons with distinguishing power may not undertake any obligation by their own will unless they receive the consent of their legal representatives. Such consent is not necessary for uncovered earnings and use of rights strictly bound to that person. Infants and disabled persons with distinguishing power are deemed responsible from a tort arising out of a wrongful act (Art. 16).

91. Restriction of legal capacity can be applied with or without personal consent. A guardian may be appointed over an adult at the latter's request provided he/she proves that he/she is unable to manage his/her affairs properly as a result of senility or some other

infirmity or because of inexperience (Art. 408). However, restriction can be applied only in accordance with an officially approved medical board report. Judge may hear the person whose legal capacity is to be restricted in line with the medical board report before rendering a judgment (Art. 409). Guardianship ordered on grounds of mental illness or learning disabilities may be revoked only after obtaining expert opinions from specialists which establish that such grounds no longer obtain (Art. 474).

92. Guardianship mechanism was regulated in Turkish Law with the purpose of protecting the rights of persons. Guardians are liable for protecting the interest of persons with mental disabilities or infirmities (including interests on assets) and representing them in legal actions. On the other hand, in case a guardian cannot protect the best interest of the concerned person, reassignment of another guardian can be demanded at any time. Besides, Article 426 of Turkish Civil Code stipulates that if the legal representative cannot conduct its duty due to an obstacle, then a trustee will be appointed ex officio or upon a request of the person concerned. Turkish Criminal Code regulates that the conditions of mental illnesses, hearing disabilities or deafness are among the reasons of incapacity or lessening the effects of legal capacity (Art. 32 and 33).

93. Legislative arrangements for the notary transactions of persons with visual, hearing or speaking disabilities are included in Notary Law No. 1512. Before the amendment of 2005 in Notary Law, notaries were obliged to fulfill such transactions in presence of 2 attesters. Presence of attesters is currently optional. Moreover, in cases where persons with speaking or hearing disabilities cannot communicate in written, two attesters and sworn translators shall attend the proceedings (Art. 73).

Article 13: Access to justice

94. Access to justice is secured by freedom to claim rights and principle of social law state of the constitution. Article 36 of the Constitution is titled "Freedom to Claim Rights" and is stipulates that: Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures and no court shall refuse to hear a case within its jurisdiction.

95. In line with strategic goals titled "increasing effectiveness and efficiency of jurisdiction system" and "facilitating access to justice" which were encompassed by 2009 Judicial Reform Strategy of Ministry of Justice, it was planned to take measures necessary for enhancing accessibility of courthouses and building a system which would help all parts of society including PwDs access to justice services fully and equally. Within the scope of a draft issued in 2012 in the process of updating Judicial Reform Strategy, some concrete measures were planned to ensure effective access of PwDs to the justice. The objectives set within this draft included; preparing guides about judicial processes for PwDs, preparing accessible web sites, planning regular scientific meetings in order to evaluate judicial practices for PwDs with the participation of related institutions and organizing awareness raising activities.

96. Being one of the basic policy reference documents about justice, Strategic Plan of Ministry of Justice (2010-2014) aimed for increasing opportunities of access to justice, ensuring effective use of judicial mechanisms and setting goals to be reached by the end of 2011 in order to facilitate access of disadvantaged groups to justice. The goals in question covered identifying problems faced by disadvantaged groups in accessing justice, scientific assessment of judicial remedies and proceedings, cooperating with related governmental organizations and CSOs with the purpose of taking necessary measures and making legislative amendments. Besides, 10th Development Plan includes measures to facilitate access to justice, such as strengthening the right of defense and legal aid, activating judicial services and extending use of information technologies in judicial and judiciary services.

97. Justice Academy of Turkey that was established affiliated with Ministry of Justice in accordance with Law No. 4954 provides pre- and in-service training courses for the professional development of civil, administrative and military judges and prosecutors, auxiliary judicial personnel and for lawyers. The training programmes include information on disability legislation. Additionally, in-service training seminars on fundamental rights

and freedoms are held for probation officers and other officers with various titles in the training centers of penal institutions and prisons.

98. On the other hand, within the scope of Project "Enhancing Punishment Execution Services in Penal Institutions (2013-2014)" initiated by General Directorate of Penal Institutions and Penitentiaries and Ministries of Justice of Portugal and United Kingdom, it is planned to design a training curriculum and distance education module for the personnel working with vulnerable groups including PwDs.

99. Within the frame of Turkish Code of Criminal Procedure (Law No. 5271) and Code of Civil Procedure (Law No. 6100), various measures were taken in order to ensure active participation of PwDs to judicial system and legal processes. In accordance with Turkish Code of Criminal Procedure, "in case they are literate, persons with hearing or speaking disabilities shall take an oath by writing and signing the oath. Persons with hearing or speaking disabilities who are illiterate shall take an oath by sign language and by the help of a sign language interpreter" (Art. 56/2). The code also stipulates that if the accused is a person with a hearing and speaking disability or a person who has a disability to the degree of failing to express him/herself, a defense counsel is appointed on behalf of him/her without the requirement of his/her official request. In case the suspect or the defendant is underage, or deaf, or speechless, or has a disability to the degree of failing to defend himself/herself and a defense counsel cannot be arranged; a defense counsel is appointed without the requirement of his/her official request (Art. 150). The code includes the provision that in the hearing of an accused or victim with a disability, the essential points of the prosecution and defense shall be explained to him/her in a way that he/she is able to comprehend. The provisions of this article shall also apply in respect of suspects, victims or witnesses heard during the investigation phase (Art. 202). In case the victim has not attained the age of eighteen, or is deaf, or speechless, or has a disability to the degree of failing to express himself/herself and a defense counsel cannot be assigned on behalf of him/her; a defense counsel is appointed without the requirement of his/her official request (Art. 234/2). Request shall not be necessary for providing a lawyer in cases where the victim or the injured party is a child or a person with a hearing, speaking or mental disability to the extent of being unable to defend himself (Art. 239/2).

100. Code of Civil Procedure covers measures to facilitate access of PwDs to justice. For example, Article 172/2 stipulates that persons who cannot attend to hearings due to disabilities, illnesses or other reasons of similar nature shall be heard at the places where they reside. On the other side, some special measures were taken for the oath taking procedure of PwDs. Accordingly, literate persons with hearing or speaking disabilities shall take an oath by way of signing his/her declaration and those who are illiterate shall take an oath by the help of a sign language interpreter (Art. 234). In case the person to take an oath is so sick or disabled that he/she cannot attend the hearing, the judge shall take his/her oath at the place where he/she stays. Attorneys of both parties may be present during fulfillment of the procedure, in case they request to do so (Art. 235).

101. Hearing of the witnesses in courts where the case is ruled is the basic principle in the Code of Civil Procedure, but witnesses who cannot attend a trial due to disabilities or illnesses are heard at the place where they reside. In case a witness is literate but has a speaking or hearing disability, the questions are directed to him/her in written form and the answers are written by the witness. In case he/she is illiterate, the judge hears him/her through a sign language interpreter (Art. 263/2).

102. By means of legal aid mechanism arranged by the provisions between Articles 334 and 340 of Code of Civil Procedure, some special measures are taken in order to facilitate access of PwDs to justice. Within the scope of these measures, PwDs who are deprived of adequate economic conditions and cannot afford to litigation costs have the right to request benefiting from legal aid mechanism especially for initiating bankruptcy and enforcement proceedings or intervening cases in favor or against themselves. In case a legal aid request is deemed appropriate by the court and if the legal aid decision is still in force; paying of litigation costs, fees or advance payments is postponed and the concerned costs are collected from the party that loses the case. In such circumstances the court can decide that litigation costs are paid in equal installments in a year or the party that lose the case can be exempted from such costs totally or partially.

103. Finally, Law No. 5275 on the Execution of Penalties and Security Measures includes some measures with regard to informing the convicted about their rights and responsibilities or the complaining mechanism and provision of such information in accessible formats for PwDs. In this regard, convicted persons with hearing disabilities are informed through a sign language interpreter and those with visual disabilities are provided with booklets printed in Braille.

104. In order to facilitate access of PwDs to justice, sign language interpretation courses and training courses for trainers are organized for the personnel of General Directorate of Security.

Article 14: Liberty and security of the person

105. As per the constitution, everyone has the right to personal liberty and security (Art. 19). However, execution of measures for the treatment, education or rehabilitation of a person with mental illness who constitutes a danger to the public is one of the exceptions of this provision.

106. In accordance with the Constitution, notwithstanding the reasons, persons whose liberties are restricted for any reason are entitled to apply to the competent judicial authority for speedy conclusion of proceedings regarding their situation and for their immediate release if the restriction imposed upon them is unlawful. In parallel to this provision, Turkish Civil Code that provides for the conditions of liberty restrictions with the purpose of protecting individuals establishes that all adults who constitute a danger for the society due to mental disabilities or infirmities can be placed to an institution appropriate for education, treatment or rehabilitation. However, this decision can be taken only in accordance with a medical report and after treatment period, the individual is discharged from the institution.

107. In Turkey, PwDs who are in need of care services are provided with related care services either at their homes or in governmental/private care centers. In determining the type of services or institutions, preferences of PwDs, their family members or their legal representatives are taken into consideration. PwDs are placed to public/private care institutions in line with a petition of the person or his/her legal representative, medical board report indicating the type and percentage of disability, service contract and an assessment report to be issued by a professional.

108. Institutional care services in Turkey have recently started to transform in parallel with the approach of "community based care". Within this context, "Barrier Free Life Centers" that provide institutional care service and living environments to PwDs in need of care in single floor houses with gardens for 10 to 12 persons and "Hope Homes" that aim for ensuring active participation to social life by means of providing care services to small groups of PwDs in apartment houses have put into service since 2006 (Also see Art. 19).

109. Having been financed under IPA 2008 programme and performed with the technical support of World Health Organization (WHO), the project "Promoting Services for People with Disabilities" supports this shift in care services. The Project aims to analyze health care and disability services provided by the Ministry of Health and EYHGM and to develop a model of community based care and support service that would replace the institutional care system. The activities carried out within the Project include: application of the related provisions of the Civil Law in cases of restricted methods or involuntary placement in institutions that are reported by European Committee for the Prevention of Torture, establishment of a body that would provide independent monitoring of institutions, improvement of treatment and rehabilitation programmes, physical infrastructure and training programmes for the personnel.

110. Qualified and certified personnel are employed in public and private care institutions. Provincial Directorates of/and the ASPB monitor and audit the institutions.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

111. The Constitution regulates that the corporeal integrity of the individual shall not be violated except under medical necessity and in cases prescribed by law; and shall not be subjected to scientific or medical experiments without his/her consent. It also provides that no one shall be subjected to torture or mal-treatment; no one shall be subjected to penalties or treatment incompatible with human dignity (Art. 17).

112. Patients' Rights Regulation specially regulates the ban on subjecting persons to medical or scientific experiments. The regulation rules that no one shall be medically intervened in no circumstances without his/her consent and approval of Ministry of Health. The regulation also emphasizes that no medical advantages or public interests shall be preferred to protection of physical integrity or lives of volunteers who consent to medical experimentations on their bodies (Art. 32).

113. Having already signed the international conventions on fighting against torture that were adopted by Council of Europe (CoE) and UN, Turkey also ratified the Optional Protocol of UN Convention against Torture in 2011. TCK defines crimes against humanity (Art. 77), torture (Art. 94) and torment (Art. 96) and stipulates penal sanctions to the offenders. Commission of such crimes against persons who are unable to defend themselves bodily or mentally is deemed as a matter of aggravation.

Article 16: Freedom from exploitation, violence and abuse

114. Constitution guarantees that no one shall be subjected to torture or mal-treatment (Art. 17) and the State shall take measures for the protection of the children against all kinds of abuse and violence (Art. 41). In parallel to these provisions, various mechanisms have been set up in order to ensure adoption and implementation of necessary legal arrangements.

115. The first legal arrangement preventing violence against women and domestic violence is Law No. 4320 on Protection of Family that was put into force in 1998. The main objective of this Law is to prevent domestic violence. On the other side, due to some problems faced in implementation process, this Law was replaced by Law No. 6284 on Protection of Family and Prevention of Violence Against Women that was prepared in line with opinions of ASPB, academicians and CSOs. The new Law regulates the measures to be taken with the purposes of protecting women, children, family members and victims of stalking, who became subject to the violence or at the risk of violence, and establishing procedures and principles with regard to the concerned measures. When compared to the former one, the new Law stipulates more comprehensive and detailed measures and it targets ensuring more effective and sooner protection by way of authorizing the police and administrative chiefs alongside with judges for protective and preventive measures. The law stipulates a fair, effective and speedy method, which is based on basic human rights, sensitive to the equality of men and women, applicable to the social state principle, is maintained in providing support and services to the victims of violence. Furthermore, the law provides also that special measures taken within the scope of this law to prevent the gender based violence against women and protect the women from the gender based violence cannot be interpreted as discrimination.

116. The law also rules that the Violence Prevention and Monitoring Centers (ŞÖNİM), where support and monitoring services are provided on a basis of seven days and twenty-four hours in order to prevent the violence and to implement the protective and preventive measures efficiently, shall be established (Art. 14). By 6 December 2012, opening of such centers in 14 pilot provinces from different regions were approved and it is being planned to open at least one center in all provinces within two years. The services to be provided in these centers can be collected under three headings; services regarding the monitoring of protective and preventive cautionary decisions, services for victims of violence and services for perpetrators or potential perpetrators of violence.

117. Women's Shelters that were established in accordance with Regulation on Women's Shelters Affiliated with Social Services and Children Protection Institution of 12 July 1998 were restructured in line with Regulation on Establishment and Operation of Women's Shelters that were put into force in 2013. Women's shelters are residential social service institutions in which victims of physical, sexual, emotional or economic violence can temporarily stay with their children until they find psycho-social and economic solutions to their problems. Women's Shelters can be established by ASPB, local authorities or CSOs. By October 2013, there were 124 shelters with the capacity of hosting 3220 women at a time. They include 90 shelters affiliated with the Ministry, 32 affiliated with Municipalities and 2 affiliated with CSOs. In addition to Shelters, there are also First Admission Units providing services to the women who applied either to Provincial Directorates of Ministry of Family or to ŞÖNIMs. In these units, first observations of women who were subject to violence are made and their psycho-social and economic conditions are identified. Women can stay in these units for up to two weeks. By October 2013, there were 25 First Admission Units in Turkey.

118. During the reorganization process, restrictions regarding the services especially for women with disabilities who were subject to violence were removed and some legal measures were stipulated for the accessibility of women's shelters. Furthermore, with the purpose of providing more effective services to women with physical disabilities, one of the women's shelters affiliated with ASPB General Directorate on the Status of Women was restructured in line with accessibility principles and it was put into service under with the name of Specialized Shelter for Women. The name of this shelter that started service by 01 August 2012 was changed to Istanbul 1st Specially Equipped Shelter for Women on 15 May 2013. In days to come, it is expected to increase the number of specially designed and/or equipped shelters for women with physical disabilities. ASPB announced all governorates in 81 provinces that necessary physical arrangements shall be made in women's shelters and first admission units in order to ensure accessibility and that fulfillment of accessibility criteria shall be met in opening new ŞÖNIMs.

119. In accordance with an amendment made in Social Services Law No. 2828 with the provisions of Law No. 6495 in July 2013; in case any physical, medical, sexual, psychological or economical abuse including threatening, pressure or arbitrary restriction of freedom of beneficiaries occurs in social service institutions operated by natural persons or legal entities, founders or managing directors that fall short of taking necessary preventive measures shall be punished with judicial fine. In the event that such a punishment is imposed, ASPB shall shut down the institution in question.

120. On the other hand, TCK stipulates that the punishment to be imposed to persons who offend the crime of sexual abuse against a person who cannot protect himself/herself because of physical or mental disabilities shall be increased by one half (Art. 102). Any person who abuses a child sexually is sentenced to imprisonment from three years to eight years (Art. 103). In addition, this punishment is increased up to 8 or 15 years in some cases stated in the law. In case of performance of sexual abuse by antecedents, second or third degree blood relations, step father, guardian, educator, trainer, nurse and other persons rendering health services and responsible for protection and observation of the child, or by undue influence based on public office, the punishment to be imposed according to the above subsections is increased by one half (Art. 103).

121. TCK provides also that if a person is subject to sexual harassment, the person performing such act is sentenced to punishment from three months to two years upon complaint of the victim. In case of commission of these offenses by undue influence based on hierarchy or public office or by using the advantage of working in the same place with the victim, the punishment to be imposed according to the above subsection is increased by one half. If the victim is obliged to leave the business place for this reason, the punishment to be imposed may not be less than one year (Art. 105). Besides, any person who uses children or persons lack of physical or mental ability in beggary is punished with imprisonment from one year to three years (Art. 229).

122. Currently, monitoring and audit of services provided to PwDs by natural persons and legal entities are not carried out by independent units. However, within the scope of the Project "Promoting Services for People with Disabilities" that is financed under IPA 2008

programme and performed with the technical support of WHO. ASPB plans establishing a mechanism for independent audit of care services provided to PwDs. (Also see Art. 19)

Article 17: Protecting the integrity of the person

123. Article 17 of the Constitution titled "Personal inviolability, corporal and spiritual existence of the individual" stipulates that the corporal integrity of the individual shall not be violated except under medical necessity and in cases prescribed by law; and shall not be subjected to scientific or medical experiments without his/her consent.

124. Regulated with the provisions of Law No. 2827 on Family Planning, abortion (Art.5) and sterilization (Art. 4) are medical operations that can be made as per request of persons. In cases where the person is married, consent of his/her spouse is also sought. The medical intervention aimed at the termination of pregnancy is contingent upon the permission of the pregnant woman (Art. 5). However, some exceptions are listed in the law: in the case of minors, it shall be contingent on permission by a parent following the consent of the minor; in the case of persons under legal guardianship, either because they are minors or because they are mentally incompetent, it shall be contingent on the consent of the minor and the legal guardian, as well as the permission of a justice of the peace. Permission to evacuate the uterus shall, however, not be required in the case of a pregnant woman unable to make a conscious decision on account of mental incompetence. If the gestation period is longer than 10 weeks, the uterus may be evacuated only if the pregnancy represents, or will constitute, a danger to the mother's life, or if the child to be born or its offspring will have a serious disability, this being confirmed in writing, on the basis of objective findings, by a specialist in obstetrics and gynecology and a specialist in a related field (Art. 6).

125. TCK defines illegal abortions and forced sterilizations as offenses and some penal sanctions are stipulated for such offenses (Art. 99, 100, 101).

Article 18: Liberty of movement and nationality

126. Liberty of movement and nationality of PwDs in Turkey is regulated by the provisions of Constitution and the Citizenship Law No. 5901. Turkish citizenship (Art. 66) and freedom of residence and movement (Art. 23) are guaranteed by the Constitution. The related provision states that citizens shall not be deported, or deprived of their right of entry into the homeland.

127. As per Turkish Citizenship Law No. 5901 Turkish citizenship is acquired by birth or after birth (Art. 5). Turkish citizenship by birth shall be automatically acquired on the basis of descent or place of birth. Citizenship acquired by birth is effective from the moment of birth (Art. 6) and Turkish citizenship acquired after birth is effective either by a decision of the competent authority or by adoption or by using the right to choice (Art. 7). Additionally, persons who request permission to renounce Turkish citizenship may be granted a renunciation permit or a renunciation document provided they fulfill some conditions (Art. 25). The significance of these provisions in terms of PwDs is that persons to request the concerned permission shall possess the distinguishing power (Also see Art. 12).

128. In accordance with Law No. 1587 on Population Registration, Turkish citizens have to register the birth of their children in their registration offices within 30 days after birth (Art. 74). In case the registration is not made in due time, parents are punished with fine (Art. 52), and registration is fulfilled when the new born is named by his/her parents. This practice is valid also for babies with disabilities.

Article 19: Living independently and being included in the community

129. In Turkey, there have been significant developments in recent years with regard to ensuring independent living and inclusion of PwDs to society. The general principle of Law

no. 2828 on Social Services were defined as: ensuring that PwDs, persons in need of support and the elderly lead a healthy, peaceful and safe life; providing care and rehabilitation services to PwDs in a way that can enable them live independently and productively and taking necessary measures for rendering constant care to PwDs who cannot be treated. The law also brought along the mainstreaming principle as it stipulates grouping of children in need of support who stay in nursery schools and orphanages in line with age, sex, social and psychological characteristics and disability rates. Additionally, the law also provides that all services to persons in need of social protection, care or support shall be provided in compliance with human dignity.

130. The principles of the services for PwDs are defined by the Law on Social Services as follows: raising awareness of individuals, family members and society on their rights and responsibilities regarding participation of person with disabilities to society as equal individuals; ensuring medical treatment and rehabilitation of these individuals; increasing their independent living capacity; taking measures for ensuring accessibility of information services, physical environments and technological devices and instruments; and including PwDs to all decision making processes that would affect their economic and social status.

131. The objectives of TDA includes enabling PwDs join the society by taking measures which will provide the solution of their problems and the removal of the obstacles they face and taking measures necessary for the coordination of services. The Act covers the principles of fighting against disability based discrimination, ensuring participation of PwDs, their families and volunteer organizations to disability related decision making processes and protecting the unity of family in provision of all services. Although there are no practical restrictions preventing PwDs benefit from public services equally with others, the approach adopted in TDA brought forward special practices to ensure advantages to PwDs in benefiting from some of the services, especially from health services.

132. The Act also brought along the principle that it is essential to have PwDs maintain their lives in health, peace and safety particularly in the environment they live in; to provide their care and rehabilitation so that they will lead a satisfactory life in the society and become productive; render temporary and permanent care or home care services to the ones in need of support (Art. 6). Within this scope care services can be rendered as home care or institution care. It is essential that the service is provided without separating the person from his/her social and physical environment (Art. 9). While rendering care services; biological, physical and social needs of the person are taken into consideration (Art. 8).

133. In Turkey, care services for PwDs are rendered by natural and legal persons or by public institutions and organizations that received a license from ASPB (Art. 8). In provision of concerned care services, importance is attached to personal development and needs of PwDs that would help them participate and orient themselves in social life and PwDs in need of care are preferably provided with social support service models. As part of care services skills development for daily living activities is provided and thus independent living capacities of individuals are increased.

134. Services of ASPB for all groups in need of support are administered and coordinated by provincial directorates in 81 provinces. Institutional care services coordinated by provincial directorates are rendered by Residential Care and Rehabilitation Centers for PwDs; Rehabilitation and Family Consulting Day Centers that provide only day service and Private Care Centers that provide services on a residential and/or daily basis. Services for PwDs are carried out by EYHGM of ASPB.

135. As per Additional Article 7 of Law No. 2828 on Social Services that was amended by TDA in 2005, it was stipulated that care services for persons who are not subject to the social security institutions. PwDs who lost their families and are in need of care and the ones whose families are socially or economically deprived shall be rendered in public or private care institutions or in their residential addresses. This amendment extended the scope of care services and thus, all PwDs in need of care whether they had social insurance or not, became entitled to benefit from care services.

136. ASPB is carrying out some activities on provision of care and support services to PwDs who are economically deprived and in need of social protection in family environment. PwDs who receive care at their homes owing to home care fee paid by the

Ministry are visited regularly and counseling is provided to them about their needs in accordance with the service evaluation made on the spot. By means of regulations made in order to promote home care services, PwDs have been provided with the opportunity to benefit from services of Rehabilitation and Family Consulting Centers up to 16 hours a week.

137. With an amendment made in "Regulation on Identification of PwDs who need Care Services and Principles of Care Services" in 2010, PwDs who receive care from his/her relatives at home but do not benefit from institutional care services or receive any home care fees were entitled to request and benefit from home care services to be provided by a care professional. It was planned to extend the scope of this service model in 2011. Number of persons who benefited from home care support service was 30 by September 2013. PwDs who cannot receive care at home despite all incentives are offered with the opportunity of receiving the service they need in care centers.

138. Institutions that render services to PwDs who cannot receive care at home take into consideration the principle of performing rehabilitation and social services in line with human dignity of PwDs. Within the scope of these services which aim at fulfilling vital necessities, some extra activities such as practicing, sportive activities, artistic - cultural activities and social, vocational and occupational activities are performed in order to maintain and develop skills and abilities. In addition, relevant institutions for ensuring health, education and employment services to PwDs are contacted for any possible cooperation. Data on the number of PwDs who have been receiving home care service or care at private care centers since 2006 are presented in Table 1 in Annex 3.

139. The State monthly pays one minimum wage to relatives/guardians of PwDs who provide care at home. For the second half of 2010, the amount of home care fee was 544.44 Turkish Liras (approx. 190 Euro) monthly. Due to an increase in minimum wage, this figure increased up to 570.22 TL for the first half and to 599.21 TL for the second half of 2011. Home care fee was 730.28 by 1 July 2013. PwDs in need of care services or their relatives can request benefiting from private care centers. With this purpose, 1.175,99 TL per person was paid monthly to private care centers in the second half of 2010. With an increase in minimum wage, the amount paid increased to 1.231,68 TL for the first half and 1.294,29 TL for the second half of 2011. It was 1.577,40 for the second half of 2013.

140. Since 2010, there has been no waiting list of PwDs who want to benefit from public institutions. The number of residential care and rehabilitation centers, which was 21 in 2002, increased to 84 by 2011. By the end of July 2013, the number of these centers was 80. The number of residential care and rehabilitation centers by years is given in Table 2 in Annex 3.

141. Institutional care services are in the process of transformation in parallel with the approach of community based care in recent years. Within this scope, the work on establishing principles and standards of care services for PwDs who need personal care has gained acceleration since 2006 in order that the services are rendered without prejudice to human dignity. Besides, new service models reflecting this transition in institutional care like "Barrier Free Life Centers" and "Hope Houses" have been put into service.

142. The Project "Barrier Free Life Centers" was designed with the purpose of increasing the quality of residential care services in institutions and the number of barrier free care centers. The project was initiated in 2009 and the number of beneficiaries, which was 128 in 11 centers by the end of 2011, increased to 1,684 beneficiaries in 14 centers by September 2013.

143. The Project "Hope Houses" was initiated with the aim of providing care services in the community to PwDs who reside in care and rehabilitation centers and whose conditions are assessed to be suitable for receiving such a service. Within the scope of this project, PwDs are provided with the opportunity of living in small groups in touch with their neighbors. The first Hope House was opened in 31 December 2008 and the number of houses reached up to 49 (36 active, 13 approved for service) by August 2013. 201 PwDs in total benefit from the care services provided in these houses.

144. Along with the residential care and rehabilitation centers affiliated with the Ministry, there are also Rehabilitation and Family Consulting Centers that provide day service for out-patients. These centers, providing either half day or full day service, combine rehabilitation activities including individual or group work with care services and also provide consultancy service for families.

145. First Admission and Intervention Units that was established in accordance with Circular No. 2013/11 aim identifying the personal needs of individuals and the model of care service to be provided in centers. These units primarily focus on the support services to be provided for home care to promote the life in family environment.

146. In addition to aforementioned services, the Project "Promoting Services for People with Disabilities" has the purpose of developing treatment and rehabilitation programmes, physical infrastructure and training courses for personnel. The activities of the project aim at analyzing health care and disability services provided by the Ministry of Health and EYHGM and developing a model of community based care and support service that would replace the institutional care system (Also see Art. 14). Healthy Living and Mobility Programme of 10th Development Plan for 2014-2018 also covers the aim of developing the quality and quantity of community based mental health services.

Article 20: Personal mobility

147. Various measures have been taken by related legislative arrangements in order to enhance personal mobility of PwDs and thus ensure full and equal participation of them to social life. For instance, standards on accessible entrance and guidance in buildings, audio-visual equipment to be installed in mass transportation vehicles, buildings and open spaces and emergency warning systems were established and have been monitored by Accessibility Monitoring and Auditing Mechanism (Also see Art. 9).

148. Financial support is prominent among other measures to enhance personal mobility. Within this scope, all kind of equipment and software designed with the purpose of facilitating daily lives (including education and employment) of PwDs are exempted from VAT in accordance with Value Added Tax Law No. 3065. Furthermore, as per Customs Law No. 4458, all items produced abroad and imported with the purpose of enhancing education, employment or personal development of PwDs are exempted from customs. Adapted motor vehicles to be imported by PwDs are also exempted from customs.

149. In accordance with Private Consumption Tax Law No. 4760, sale of private cars with an engine capacity less than 1600 cubic centimeter; vehicles used for carrying goods with an engine capacity less than 2800 cubic centimeter and all motorcycles, in case they are bought by a person with a disability degree equal to or above 90%, are exempted from private consumption tax once in 5 years. This exemption is also valid for persons who have a disability degree below 90%, in case they buy one of the vehicles mentioned hereinabove only for personal use and adapt it in line with their disability and personal needs. The motor vehicles to be exempted from private consumption tax are also exempted from motor vehicles tax as per the relevant provisions of Motor Vehicles Tax Law No. 197.

150. Between 2007 and 2009, Sakarya University carried out a Project titled: "An Educational Platform for Physically Disabled People in Designing/Manufacturing/Maintenance of Supporting Equipment". The main objective was to establish a platform which provides theoretical and practical training for persons with orthopedical disabilities in designing/manufacturing/testing/selecting/repairing of supporting equipment such as wheelchair, prosthesis, elevators, etc.

151. Since 2008, "Fair of Barrier Free Life" has been organized in Turkey as a platform where national and international companies providing services, products or technology to the elderly and/or persons with special needs or disabilities can exhibit their products. EYHGM gave support to the organization in 2011.

152. Being supported by EYHGM, "TechnoCamp Project" that was initiated with the participation of 10 youth with disabilities aims for providing special solutions to help youth with disabilities in using computer programmes and other technology applications. It is

planned to establish a feedback training workshop in Istanbul and generalize the outcomes of the project and the camps in Turkey.

151. As per the cooperation protocol signed between ASPB and Ministry of Transportation, Maritime Affairs and Communication in 2011, 5.000 navigation devices named "Güven Göz" (Seeing Eye - navigation devices designed in the size of a mobile phone) were distributed free of charge to persons with visual disabilities living in Ankara, Izmir and Istanbul.

154. Rehabilitation centers for persons with visual disabilities located in Ankara and Istanbul and affiliated with ASPB provide trainings to persons with visual disabilities on independent living skills.

Article 21: Freedom of expression and opinion, and access to information

155. The Constitution secures that everyone has the right to express and disseminate his/her thoughts and opinions and that no one shall be compelled reveal his/her opinions (Art. 25-26). In this respect, there are no legal provisions restricting freedom of expression and opinion of PwDs.

156. Recently, the work on finding innovative solutions to access to information and communication has gained acceleration. Public and private sector together with CSOs have been taking steps to ensure accessibility of ICT for PwDs.

157. Within this framework, "2006-2010 Action Plan and Strategy Paper on Information Society" prepared by Ministry of Development adopted the basic principle of designing ICT infrastructure and applications in line with accessibility rules and included various measures to increase access of PwDs to ICT. In accordance with this document, "Standards for Websites of Public Institutions" and "Website for Support to Standardization of Websites of Public Institutions" were prepared. Having been obligated by Prime Ministry Circular No. 2007/4 of 27 January 2007, Guiding Principles for Websites of Public Institutions covers the methods and principles of making websites accessible for PwDs. Another effort was the introduction of W3C Web Content Accessibility Guide in Turkey. 2005 and 2011 versions of the guide were translated into Turkish by ASPB and were published on the web site of the Ministry.

158. Working Group on Barrier Free Access whose members include service providers, academicians and representatives of ASPB, relevant public institutions and CSOs was formed under coordination of Information and Communication Technologies Agency. The group published the Report on Barrier Free Access of ICT on May 2012. In line with this report, some of the GSM operators started making regulations to provide service to PwDs with reduced prices and in accessible formats. Cooperation of public institutions and CSOs towards ensuring barrier free access to electronic communication services are currently in progress.

159. The Project "Movement of Enhancing Opportunities and Technology" (FATIH) that is being carried out by the Ministry of National Education (MoNE) can also be mentioned within this scope. The Project was initiated in 2010 with the general objective of extending the use of ICT and lessening digital divide. It is planned to equip 570.000 classes in 42.000 schools with ICT equipment and devices. While carrying out project activities, MoNE together with other stakeholders takes into consideration the special needs of students with disabilities and works on introducing accessible hardware and software that will increase the use of ICT by students with disabilities. The project activities include distributing tablet computers to all students free of charge. In this regard, digital content for tablet computers is being developed for students with special needs and 10 special education schools/institutions in Ankara will be equipped in the 2013-2014 school year.

160. Another initiation of public/private institutions and CSOs for developing ICT skills and promoting use of ICT in Turkey is the Project titled "Empowerment of Youth Active Participation in E-Transformation". As part of this Project, 130.000 people including also PwDs have been trained through face to face IT trainings composed of Windows Office,

Internet Security and Digital Life training modules. In addition, Barrier Free IT Platform has been holding awareness raising symposiums for all relevant stakeholders under the title of "Barrier Free IT Symposiums and Accessibility Days" since 2011.

[64] Bogazici University Technology and Education Laboratory for the Persons with Visual Disabilities (ULAT-EDUM) and Turk Telekom brought Turkey's first telephone library to life. Through the Books on the Phone Project, Turk Telekom customers with visual disabilities are offered hundreds of audio books free of charge over their home phones. Within the scope of the Project, over 220 thousand persons with visual disabilities have listened to audio books at the length of approximately 2 million minutes since January 2012. Besides, the library includes university entrance exam guide for 2013 and 8 pilot tests, which contributed a lot to education of youth with visual disabilities.

[65] Turkish Sign Language was officially adopted with HDA. Turkish Language Society was assigned for the task of providing coordination in establishment of a national sign language system (Also see Art. 24).

[66] In accordance with the provisions of Law No. 6112 on the Establishment of Radio and Television Enterprises and their Media Services, the responsibilities of promoting and taking measures necessary for facilitating access of PwDs to broadcasting services and new technologies was given to RTUK (Art. 37). The Survey on TV Watching/Listening Tendencies of PwDs indicated that broadcasting enterprises did not broadcast informative or guiding programmes about the problems of PwDs. PwDs demanded broadcasting of educative and informative programmes about special services for themselves and disability rights and that the accessibility of the broadcasts had to be achieved. Based on the results of this survey and the demands of PwDs, the RTUK made some recommendations to all broadcasting enterprises and to state television in particular. Furthermore, RTUK set up a commission which drafted a legislative arrangement aimed at access of persons with hearing and visual disabilities to audio-visual media. This draft stipulates that all broadcasting enterprises including the state television shall communicate the accessibility level of the TV series, news programmes and movies to the Supreme Council and take measures to enhance accessibility in short and medium terms.

Article 22: Respect for privacy

[67] Having signed European Convention on Human Rights, the Republic of Turkey secured the privacy of private and family life with its constitution in parallel to Article 8 of the Convention. As per an amendment made to the Constitution in 2010, everyone has the right to request the protection of his/her personal data and personal data can be processed only in cases envisaged by law or by the person's explicit consent (Art. 20). TCK also stipulates that unlawful recording, saving or delivering personal data to other persons is an offensive act and it demands judicial punishment (Art. 135 and following ones).

[68] On the other side, Regulation on Patient Rights rules that information gained within the scope of health care services shall not be disclosed in no circumstances except the conditions allowed by law. Besides, even though patient rights are abdicated but if it results in extreme limitation of rights or transfer of these rights to a third person, legal responsibility of the person who discloses such information shall not be removed. Even in researches or educational activities, identity information of patients cannot be disclosed without their consent (Art. 23).

[69] Work on drafting a law on protection of personal data compatible with international conventions signed by Turkey is still in progress.

Article 23: Respect for home and the family

[70] Capacity of marriage for Turkish Citizens is regulated by Turkish Civil Code. According to Article 125 of the Civil Code, persons who do not have the ability to discern cannot marry. The mentally ill cannot marry unless they obtain an official health report

stating that there are no medical impediments to their marriage (Art. 133). (Also see Art. 12).

168. As per TCK, any person, who involves in sterilization without the consent of man or woman, is sentenced to imprisonment from three years to six years (Art. 101). This provision covers women and girls with disabilities.

169. Turkish Civil Code regulates adoption of PwDs under the title of "Adoption of adults and the legally disabled" (Art. 313). In case the adopter does not have anyone of direct kinship, he/she can adopt the person with a mental disability to whom he/she has been caring for at least 5 years.

170. In accordance with Social Services Law No. 2828 and Regulation on Care, Rehabilitation and Family Consultancy Services for Persons with Disabilities, consultancy services are provided by Family Consulting and Rehabilitation Centers to the families of PwDs. With the purpose of informing PwDs and their families on disability rights and enhancing intra-family communication, this service covers all services provided to PwDs. Family consultancy is carried out by means of coordinating among services and it includes psychological support service, social consultancy and participation of families to rehabilitation programmes (Art. 36).

171. The government provides socio-economical support to parents with disabilities who need assistance for rising up their children or parents without disabilities who have children with disabilities. Besides, the payment rendered to foster families is increased 50% per each child with a disability.

172. As per TDA, in the event that special education evaluation centers certify that the spouse, children and siblings of the civil servants who are determined by a health board report as disabled such that they cannot continue their lives without the assistance and care of others will take training and education in the official or private training and education organizations out of the location of their employment, upon the request of the concerned civil servant, he/she is appointed to a suitable vacancy in his/her organization within the province or town borders where the training and education organizations are located (Additional Art. 39).

173. With the purpose of promoting care of children with disabilities at home and under supervision of their nuclear families, ASPB pays a net minimum wage to relatives who provide care to a child with a severe disability at home (Also see Art. 19). In principle, priority is always given to home care under supervision of families and alternatively, persons who do not have a family or those who are not appropriate for care or rehabilitation services at home are provided with relevant services in care institutions (Also see Art. 19).

174. Whereas the Hope Houses Model aimed at participation of PwDs receiving care to social life and only PwDs were declared to be the sole beneficiaries of these houses; in line with the principle of protection of the family, some new Hope Houses were opened with the purpose of ensuring that parents live with their children together — notwithstanding which one has a disability. Besides, efforts are being made in order to avoid retention, abandonment or ignoring of PwDs through awareness raising activities and assistances given in the fields of employment, education and social relief.

Article 24: Education

175. Education system in Turkey is based on Article 42 of the Constitution which states that no one shall be deprived of the right of education and primary education is compulsory for all citizens of both sexes and is free of charge in state schools. Education policy is based upon the principle that all citizens have the right to education without facing any discrimination on the basis of language, race, colour, sex, political opinion, philosophical belief, religion or sect and conducted along the lines of contemporary scientific and educational principles.

176. Decree Law No. 573 on Special Education Services which was enacted in 1997 ruled that pre-school education starting from early childhood period is obligatory for all

children with special needs and it regulated the principles regarding primary, secondary, higher and non-formal education. Educational environments for children with disabilities were also regulated in line with contemporary approaches. In addition, as per Primary Education and Training Law No. 222, all parents or guardians are obliged to ensure regular attendance of their children to compulsory education institutions (Art. 52).

177. MEB which is responsible for providing equal education to all children also ensures that all children with disabilities use their right to education. Basic Law No. 1739 on National Education provides for special measures to be taken in order to create equal opportunities for persons with special education needs (Art. 8). TDA clearly underlines that the right of education of PwDs cannot be prevented by any reason and that children, youth and adults with disabilities shall be provided with education in equal terms with others and in inclusive environments by taking special conditions and varieties of individuals into consideration (Art. 15). In addition, an amendment made in Social Services Law No. 2828 in 2011 ruled that equality of opportunities shall be taken as one of the basic principles of education/training services provided to PwDs at all ages, including pre-school and school ages and adults. On the other hand, parents were given the opportunity to participate in all levels of education of their children (Decree Law No. 573 — Art. 4; TDA — Art. 16).

178. With the enactment of Law No. 6287 on Amendments in Law on Primary Education and Certain Other Laws in 2012, duration of compulsory elementary education was increased to 12 years and this brought about a need for reform in the structure and names of existing special education schools and institutions. In this context, by means of amendments made in Regulation on Special Education Services, existing education rights of persons with special education needs were maintained together with introduction of new rules on the use of these rights. As per this regulation, educational assessment and evaluation of persons with special education needs are performed through assessment tools that are appropriate to the characteristics of the individual. Guidance during the transfer of students with special education needs to higher education institutions, determination of the type of supportive education, preparation of Individualized Education Programme (IEP) are among the issues regulated by this regulation. When necessary, opinions of parents and individuals are taken during education process or placement of such students to education institutions (Art. 8). All procedure regarding guidance, placement or monitoring of students with special education needs is performed by guidance services of schools and counseling and research centers (Art. 11, 12, 13, 22). Guidance and psychological consultation services for persons with special education needs are rendered in accordance with Regulation on Guidance and Psychological Consultation Services.

179. Persons with special education needs receive education in mainstreaming/inclusive classes together with their peers without disabilities, in special education classes, in special education schools for separate types of disabilities or in private special education schools established by natural and legal persons or special education and rehabilitation centers. These education services, including early childhood period, are provided at pre-school, primary and secondary education levels and in non-formal education. Types of schools/institutions that were established for persons with special educational needs are listed in Table 13 of Annex 3.

180. Distribution of students attending special education schools/classes and inclusive classes by years are provided in Table 3 of Annex 3. Distribution of students receiving inclusive education is provided by level of education and sex in Tables 4, 5 and 6 of Annex 3.

181. Pre-school, primary, secondary and high-school education of persons with special education needs who receive inpatient treatment in public or private health-care institutions and/or have a chronic illness is provided in 53 hospital classrooms which were opened within the framework of Regulation on Special Education Services and in line with protocols signed between MEB and Ministry of Health or universities.

182. The home schooling services provided to children who are not able to attend education institutions directly due to health problems at pre-school and primary education levels was extended to high school students with the enactment of Law No. 6287 of 30

March 2012. The number of students benefiting from home schooling services which was 176 in 2007-2008 school year increased to 1582 in 2010-2011 school year.

183. As per Decree Law No. 573 on Special Education, special education support at each level and type of education shall be rendered to individuals who are in need of special education in order to realize the goals of educational programmes, and individual and group education possibilities are provided to meet this goal. Education costs of persons with special education needs whose disabilities were certified to be at least 20% with a medical board report and who were found eligible for special education and rehabilitation services upon an assessment of special education assessment boards are covered by MEB budget at a certain rate to be set each year (Law No. 3797, Additional Art. 3). Within this scope, one person with a disability receives at least 8 sessions of individual education and 4 sessions of group education in special education and rehabilitation centers. The Government paid 335 TL for individual education and 97 TL for group education of each person with a disability in 2010 (totally 432 TL per person). Distribution of persons with special education needs and the funds allocated for the education of these persons by years is provided in Table 7 of Annex 3.

184. General Directorate of Special Education Institutions and General Directorate of Life Long Learning affiliated with MEB carry out joint activities for PwDs whose ages are not eligible for compulsory education. The courses demanded by persons with special education needs are opened within the body of Adult Education Centers. Besides, literacy courses are opened every year in July and August for illiterate adults with visual or hearing disabilities whose ages are over the compulsory education age. In education years between 2003 and 2010, 509 PwDs attended these courses.

185. MEB has some supportive practices for persons with special education needs such as free transportation to public institutions of special education, free provision of lunches, education materials and course books in accessible formats. To provide accessible course materials, MEB prepared and distributed 20 different guide books in Braille for primary education and 16 course books in Braille for secondary education free of charge to teachers with visual disabilities. Course books are prepared in Braille alphabet for students with visual disabilities and distributed free of charge every school year. Course books for students with hearing disabilities and teachers who teach them have been prepared and distributed free of charge since 2010-2011 school year. Course books for students with mental disabilities who attend to vocational education centers or application centers of special education have also been prepared and distributed free of charge since 2008-2009 school year.

186. In 2008-2009 school year, 7 course books on 7 topics were prepared for the use of students with mental disabilities attending to application centers of special education and 5 course books on 4 topics were prepared for the use of students with mental disabilities attending to vocational education centers for the first time in Turkey. These course materials in question were printed in 60.000 copies and distributed to students within the scope of "Free Course Books Project". As part of the same project, 246.000 copies of 12 course books on 7 topics were distributed to students with mental disabilities attending to application centers of special education and special education classes and 45.000 copies of 6 books on 4 topics were distributed to the students with mental disabilities attending to special vocational education centers in 2012-2013 school year. In 2013-2014 school year, the number of books distributed to these groups was respectively 223.452 copies of 12 books on 7 topics and 70.080 copies of 10 books in 6 topics.

187. In 2012-2013 school year, 186.772 students attended to inclusive or special education classes. MEB also prepares various publications with the purpose of finding solutions to problems faced in inclusive education practices. For instance, a guide book for managers, teachers and families with the title "Why, What for and How of Inclusive Education in Our Schools" and a book for pre-school education teachers with the title "Guide Book on Pre-School Special Education and Inclusion" were prepared and published on the official website of MEB.

188. Within the context of FATIH Project, it is planned to ensure effective use of educational technologies by persons with special education needs with the purpose of

increasing the quality of education services provided to these individuals (Also see Art. 21). By means of Project on "Ensuring Free Access of Students with Special Needs to Schools" initiated in 2004, attendance of persons with special education needs to schools is promoted. The project started its activities by free transportation of autistic students or students with mental disabilities in 2004-2005 school years and the service was extended to cover students with visual, hearing or orthopedical disabilities and students that attend to special education classes after 2005-2006 school years. Between 2004-2005 and 2012-2013 school years, free transportation service was provided to 251.790 students. The project achieved 90% increase in school attendance rate. Distribution of students who have been benefiting from this service by years is provided in Table 8 of Annex 3.

189. MEB issued circulars in parallel with the related standards of Turkish Standards Institution in 1992, 2000 and 2009 with the purpose of enhancing accessibility of schools for PwDs. Since 1998, all school projects and buildings, especially entrances, playgrounds and indoors of schools have been designed and built barrier free and accessible as per this legislation. Furthermore, multi layered buildings of education have been built with elevators for PwDs. MEB have been communicating to its provincial organizations that measures should be taken as much as possible in order to plan educational environments for students with physical disabilities in the ground floors of all pre-existing schools.

190. Measures to ensure accessibility of secondary or higher education exams are taken on the basis of personal needs. In this respect, persons with special education needs who attend to inclusive classes and persons with special education needs who attend to primary education, general education or vocational/technical training programmes in special education schools/institutions can take central exams or other exams held in provinces on request.

191. There are special measures for students with disabilities in exams such as allocation of a class for the person (if required by the type of disability), granting of extra time, assignment of assistants for reading questions or coding answers and replacement of some questions with its equivalent. 2012 Guidebook on Student Selection and Placement System was prepared in audio-visual format by Student Selection and Placement Center (OSYM). The sign language interpretation of the guidebook was also recorded in video format for the use of applicants with hearing disabilities. Besides, audio format of the exam booklets as well as code sheets or a reader and a code sheet are provided to persons with visual impairments on request or extra time is given. Moreover, questions with visual contents are replaced with other questions for persons with visual disabilities. Consulting and Coordination Unit for Persons with Disabilities affiliated with OSYM provides consultancy to students with disabilities about the university programmes that can be chosen through Transition to Higher Education Examination. In addition, official website and information system of MEB is in an accessible format.

192. TDA stipulates establishment of Consulting and Coordination Centers for Persons with Disabilities in universities within the body of the Council of Higher Education with the tasks of providing education materials, preparing special education materials, planning for and ensuring environments appropriate for education, sheltering or study of PwDs (Art. 15).

193. University students with disabilities are given priority in public dormitories and state grants. However, due to the fact that non-refundable grants are subject to the condition of academic achievement, students with disabilities are also supposed to meet this condition for continuing their grants.

194. Additionally, newly built dormitories for university students are required to meet accessibility criteria. Old buildings, on the other hand, have to make additional accessibility arrangements. Owing to all these accessibility arrangements, the number of students with disabilities benefiting from public dormitories, which was 166 in 2008, reached to 246 by 2011.

195. Since 1983, Turkey has been providing special education training to teachers in faculties of education at undergraduate level. Special education instructors who can give education directly to persons with mental, visual or hearing disabilities are trained by special education departments of universities. These specialist teachers are directly

responsible for development, implementation and evaluation of individualized education programmes. There are currently 11 universities training special education teachers.

196. TDA stipulates establishment of Turkish Language System by Turkish Language Association, with the aim of enabling PwDs benefit from their educational rights and public services effectively (Art. 15). Within this scope, a regulation on establishment of the Turkish sign language and training of sign language interpreters and instructors was issued in 2006. The Regulation initiated the work towards preparing National Sign Language under the chairmanship of Turkish Language Association and with the participation of related institutions. Science and Approval Board of Turkish Sign Language was established affiliated with Turkish Language Association with the aim of preparing grammar rules and a dictionary of sign language. After specification of Turkish Sign Language Finger Alphabet, all words in Online Turkish Dictionary of Turkish Language Association were illustrated in finger alphabet. Besides, the website of Turkish Language Association includes a voice dictionary of Turkish, which is indeed the audio version of Updated Turkish Dictionary. There are currently efforts to print this dictionary in Braille Alphabet.

197. With the purpose of providing a common use of symbols in sign language and eliminating discrepancies, MEB prepared the Turkish Sign Language Dictionary. The Dictionary was published in 5000 copies and sent to the related public institutions for revision. Furthermore, within the scope of related activities with this dictionary, a training course for trainers of sign language was organized with the participation 81 persons. It is planned to extend the use of the dictionary after revision to be made in line with the opinions and recommendations of related organizations and institutions. The work on preparation of grammar rules of Turkish Sign Language is currently in progress.

198. The methods and procedures of educating, training or employing sign language interpreters in provinces were established by the above mentioned Regulation in 2006. The provisions of the regulation stipulate assignment of at least one sign language interpreter to each province by ASPB with the purpose of ensuring that persons with hearing disabilities benefit from all public services in equal terms with other citizens.

199. The Project titled "Strengthening Special Education" financed by EU was initiated by MEB in 2011 and it was concluded in June 2013 with the coordination of General Directorate of Special Education, Guidance and Counseling Services. The objective of this project was to ensure and improve social inclusion of PwDs by means of enhancing education environments and increasing education opportunities through mainstreaming. Within this scope, training courses were organized with the participation of trainers, families, teachers, principals and school personnel in pilot schools. Besides, the outcomes of the Project; the books titled "Guidebook for Teachers on Mainstreaming Practices in Education", "Integration Practices in Vocational Education and Technical Training", Standards for the Models of Barrier Free Schools and a Road Map for Performance Indicators" were published and disseminated. The Guidebooks are published online on the website of MEB. The Project activities also cover drafting a plan of action and a strategy paper aimed at raising public awareness in pilot provinces and elaborating policy recommendations on inclusive education.

Article 25: Health

200. As per Patients' Rights Regulation, informed consent of all persons with/without disabilities or their guardians is sought before each medical examination or intervention. Besides, based on the Communication on Principles and Procedures Regarding the Implementation of Emergency Practices in Inpatient Health Facilities, persons who apply for emergency treatment can benefit from emergency services without submitting any ID Cards or social security identification documents. In provision of emergency services, informed consent of the applicant is sought. In case the mental or emotional condition does not allow this procedure, his/her guardian or one of his/her first degree relatives should give informed consent.

201. Within the scope of Programme on Transformation of Health Care Services, family practice was introduced for the first time in Turkey and a health insurance system was

established. By means of the family practice system, each family had one practitioner and thus health care services aimed at protecting, diagnosing, treating and rehabilitative activities have been rendered without any discriminatory practices. Moreover, mobile health care service was put into practice for the areas where transportation is difficult. On the other side, health care services in communal life areas such as penitentiaries, reform schools or rest homes are provided on the spot with the purpose of increasing accessibility of primary health care services.

202. The scope and content of home health care services was defined with the purposes of rendering examination, analysis, treatment, medical care and rehabilitation services at home and family environment to patients with severe myopathy or a respiratory illness like COPD or to bedridden patients receiving palliative care at terminal period and providing social and psychological support services to the families. As part of this service rendered countrywide, the number of patients contacted between February 2010 and August 2013 was 335.674 whereas the number of patients who were actively followed up was 174.560.

203. As per Circular No. 2010/20 on Patient Transportation Service, persons who were assessed to receive ambulatory care at regular intervals within a treatment plan are transported from their homes to the health care facilities in an accessible transportation vehicle.

204. Person with disabilities, when they need physiotherapy and rehabilitation services, can benefit from physical medicine and rehabilitation departments of public hospitals, physiotherapy and rehabilitation hospitals or directly from private centers on rehabilitation and physiotherapy. In line with the Communication on Implementation of Health Care Services, the fee of such services provided to PwDs is covered by Social Security Institution.

205. With the purposes of diagnosing and intervening disability at the earliest stage possible, some extra measures have been taken by Ministry of Health. These measures include extending the scope of free vaccination service, development of medical screening and prevention schemes, free iron reinforcement, promoting breast feeding and increasing the number of infant friendly schemes and particularly medical programmes aimed at newborn at hospitals.

206. Free iron reinforcement has been supplied to infants since 2004 and to pregnant or puerperant women since November 2005. Besides, vitamin-D support has been provided to infants since 2005. On the other side, the scope of screening programmes has been extended. The existing screening programmes are as follows; phenylketonuria screening since 1993, hearing screening for infants since 2001, hemoglobinopathy screening since 2002 and hypothyroidism screening since 2006.

207. The Ministry of Health, General Directorate of Maternal and Infant Health and Family Planning has been implementing Antenatal Health Care Program in order to drop the maternal mortality rate in pregnancy. Besides, as part of the "Conditional Cash Transfer Program" which was initiated in 2003 and is still carried out by General Directorate of Social Assistance of ASPB, pregnant women are paid 20 TL for each month from the second month of pregnancy to the second month after birth in case they have regular health controls at dispensaries and 60 TL in case they give birth at a public hospital. 49.626 women benefited from this program between 2005 and 2009 and they received a financial support of 3,67 million TL in total. Moreover, the health of all newborn, infants and children, including the ones with disabilities are regularly checked up by family physicians. Consultancy and guidance service is provided to the parents/families of infants and children with disabilities.

208. The amendment made in Article 3 of Law No. 3359 on Health Care Services as per the provisions of TDA stipulates carrying out medical and educational researches in antenatal and pregnancy periods with the purpose of preventing the birth of infants with disabilities and taking measures with regard to identifying the infants with a risk disability by means of medical tests on metabolism diseases. Accordingly, Ministry of Health carries out various activities such as detecting and treating possible future diseases of expectant mothers; diagnosing and treating health conditions linked with pregnancy in a timely manner; providing prenatal information on pregnancy, preparing for delivery, infant care

and general hygiene rules etc. These activities are currently being carried out by Public Health Agency that was established after the reorganization of the Ministry of Health. Furthermore, with the aim of screening persons with the risk of genetic diseases, Regulation on Genetic Diseases Diagnostic Center was put into force in 1998.

209. Accessibility arrangements in hospitals are also being carried out as per provisional Articles 2 and 3 of TDA that stipulates the accessibility of public institutions. Circular No. 2010/79 of Ministry of Health stipulates that indoor and outdoor environments of hospitals should be accessible by PwDs. The circular also includes measures on providing parking lots and assistance to PwDs during all processes in hospitals, employing a sign language interpreter in hospitals, facilitating transfer of patients with disabilities to other hospitals and holding regular trainings for the personnel of hospitals. Additionally, Circular No. 2010/73-80 of the Ministry puts forward the provision on giving priority to PwDs in polyclinic services.

210. The condition of taking measures for facilitating access of PwDs and the elderly to health care facilities is also included in minimum physical and technical requirements of family health centers. In this regard, a booklet titled "Guidebook on the Basics of Accessibility of Health Institutions for Persons with Disabilities" was published in 2012 and was disseminated to the governorates of all provinces.

211. Circular on Efficiency Assessment of Public Hospitals Unions also regulates the conditions necessary for provision of quality services and accessibility arrangements to be made in health institutions. Besides, the Circular provides for regular and sustainable in-service trainings for the related personnel of health institutions on health care services to be provided to PwDs. In this regard, all levels of health institutions and organizations were assessed in terms of accessibility conditions. Currently, data on accessibility of the buildings of primary health-care institutions are being input with the purpose of performing the planned arrangements in a timely manner.

212. In line with Circular of 16 February 2011 on Implementation of Medical Social Services, "Social Service Units" provide social service interventions such as psycho social activities, guidance on services, consultancy, home visits, informing families on disability etc. that are planned by social workers to PwDs and their relatives who benefit from health care institutions.

213. "Draft Plan of Action on Prevention of Disability and Development of Health Care Services for Persons with Disabilities" prepared by the Ministry of Heaith and disseminated to relevant institutions for their contributions and comments aims for providing active coordination and cooperation in developing health care services for PwDs.

Article 26: Habilitation and rehabilitation

214. In provision of medical rehabilitation services in Turkey, informed consent of the beneficiary or his/her legal guardian is received initially. Besides, vocational and social rehabilitation services are provided in voluntary basis. Persons who want to benefit from such services are supposed to apply to the suppliers. (Also see Articles 19, 25, 27).

215. The right to rehabilitation services in equal terms with all citizens was stipulated by TDA. The Act provides that; training programmes are developed to train the personnel needed in all areas of the rehabilitation, necessary measures are taken for the employment of these personnel, active and effective participation of the PwDs and their families is essential in all stages of the rehabilitation including decision making, planning, executing and terminating rehabilitation services (Art. 10). In addition, the Decree Law No. 573 on Special Education Services necessitates receiving consent from families in all stages of educational rehabilitation including identification, assessment and placement (Art. 5).

216. In accordance with the provisions of Social Security and General Health Insurance Law No. 5510, PwDs who need to receive physiotherapy and rehabilitation services can benefit from this service in physiotherapy and rehabilitation departments of public hospitals, physiotherapy and rehabilitation hospitals or in private physiotherapy centers. The cost of such services and the devices used in rehabilitation processes are covered by the

government in line with Communication on Implementation of Health Care Services (Also see Art. 25).

217. In addition, Social Security Institution prepared and disseminated an animation film on ensuring assistive devices and equipment to be used in rehabilitation and habilitation services. This short film aimed providing information on accessibility of assistive devices and promoting the use of such devices.

218. TDA provides that the freedom of vocational choice and the right to access trainings cannot be restricted for PwDs. In this regard, vocational rehabilitation services formed the basic principle in training PwDs for a vocational activity in line with their capabilities and making them productive in employment. Article 12 of TDA stipulates that job and profession analyses, taking the types of disability into account, shall be made and vocational rehabilitation and training programmes shall be developed accordingly by the MEB and the Ministry of Labor and Social Security under the coordination of the ASPB. The Act also lays down the condition that measures to develop the job and skills of the individuals according to their individual developments and abilities in the private vocational rehabilitation centers to be opened by natural or legal persons, skill improvement centers and/or various types of sheltered workshops should be taken.

219. Vocational rehabilitation services are also provided by the municipalities. Municipalities, when they deem necessary during the provision of these services, cooperate with the people's training and apprenticeship training centers. In the event that the rehabilitation request of the disabled person cannot be met, he/she takes the service from the nearest center and the concerned municipality pays the service fee. In accordance with the relevant Regulation, the centers shall render physiotherapy, rehabilitation, ergotherapy, social rehabilitation; vocational training and consultancy services (Art. 13) (Also see Articles 24, 27).

220. Rehabilitation of persons who do not have a family or who cannot receive care at his family house is provided in public and private care and rehabilitation centers. In these centers, in addition to rehabilitation services aimed at skill developing in social, vocational, mental or physical fields, independent living activities are also provided to PwDs from all age and disability groups (Also see Art. 19).

221. Within the scope of social rehabilitation services, various sportive, cultural, artistic or social activities are carried in order to protect and develop the existing capabilities and vocational skills of PwDs. As part of these activities, PwDs are encouraged to take part in national or international contests so that they can feel the happiness of succeeding in life as individuals of a group and being valuable, productive and independent persons.

222. In public rehabilitation centers for persons with visual disabilities; individuals with total or partial visual disabilities attend to trainings on independent living skills and mobility and vocational trainings in accordance with their capabilities. This process aims to provide them psychological and social support and help them have a profession and a job.

223. R type penal institutions were designed in order to provide treatment and care to convicts and detainees with disabilities or severe illnesses whose care needs were certified with a medical report. The wards of these institutions are equipped with the utilities necessary to make convicts with physical disabilities maintain their daily lives comfortably. In addition, disability awareness raising activities are being carried out for the personnel of these institutions. Moreover, literacy courses, vocational trainings, social and cultural activities are also carried out in order to contribute to socializing of PwDs and publications are provided in accessible formats for persons with visual disabilities.

Article 27: Employment

224. As per the Constitution; everyone has the right and duty to work. The State shall take the necessary measures to raise the standard of living of workers; and to protect workers and the unemployed in order to improve the general conditions of labor, to promote labor, to create suitable economic conditions for prevention of unemployment and to secure labor peace (Art. 49). No one shall be required to perform work unsuited to

his/her age, sex, and capacity. Minors, women, and persons with physical and mental disabilities, shall enjoy special protection with regard to working conditions (Art. 50).

225. With the relevant provisions of TDA, discriminative practices against PwDs in any stages of the employment process is banned covering job selection, application forms, selection process, technical evaluation, suggested working periods and conditions. Employed PwDs cannot be subjected to any discriminative treatment on the basis of their disability if such practices cause an unfavorable result for PwDs. Besides, The Act also provides that it is obligatory for the establishments and organizations with the relevant duty, authority and responsibility and the work places to make necessary accessibility arrangements and take measures in the employment processes in order to reduce or eliminate the obstacles and difficulties that may be faced by PwDs who work or who apply for a job (Art. 14).

226. Another significant development in terms of fighting against disability based discrimination was amendment of TCK by the relevant provisions of TDA. As per this amendment, any person who prevents sale, transfer of movable or immovable property, or performance of a service, or benefiting from a service, or bounds employment or unemployment of a person on the ground of disability along with other reasons, is sentenced to imprisonment from six months to one year or imposed to punitive fine (Art. 122).

227. As one of the basic principles of labor law, the obligation of equal treatment to employees was legally regulated by the provisions of The Labor Act No. 4857 in 2003 (Art. 5). The concerned arrangement regulated that no discrimination based on language, race, sex, political opinion, philosophical belief, religion and sect or similar reasons is permissible in the employment relationship. Though the term "disability" is not included in the grounds of discrimination, it is generally commented that the connotation "similar reasons" covers disability as well.

228. Article 5 of The Labor Act imposes the "burden of proof" in discriminative practices or termination of contracts to employees as a rule. For instance, when an employee who was excluded from certain practices such as social rights or rise in wages enter an action against his/her employer and demand to benefit from the concerned rights/rises, he/she will try to prove that he/she is not different than other employees in his/her workplace. In accordance with the Act, the burden of proof on the employee should not be heavy. However, when an employee puts forward a situation indicating negligence of the employer, the burden of proof will belong to the employer. Besides, in case the labor contract of an employee with job security is terminated in violation of equal treatment obligation, the burden of proof will again belong to the employer.

229. The subtitle "Improving the Labor Market" of Ninth Development Plan 2007-2013 seeks for ensuring equal opportunities to the women, youth, long term unemployed, PwDs and ex-convicts who face difficulties in labor market. On the other hand, the subtitle "Improving Income Distribution, Social Inclusion and Fight against Poverty", stipulates the establishment of sheltered workshops which provide specially designed social and physical environments and training opportunities for PwDs in order to enhance their economic conditions and increase their participation to social life.

230. The employment policy aimed at PwDs in Turkey is generally focused on positive action measures. Employment of PwDs is promoted through quota/levy scheme. Quota/levy scheme is implemented in the form of employing a certain obligatory rate of PwDs both in public and private sectors. In case this obligation is violated by the employers subject to the provisions of The Labor Act No. 4857, administrative fine is imposed to the violators. The PwDs to be employed within the scope of quota/levy scheme have to certify their disabilities with a medical board report indicating at least 40% disability.

231. Employment of PwDs as public officials/civil servants in Turkey is under responsibility of State Personnel Administration. However, employment under the title of worker both in public and private sectors is under the responsibility of ISKUR (Turkish Employment Agency). According to Civil Servants Law No. 657, institutions and organizations shall employ 3% personnel with disabilities in the total of their posts (Art. 53). On the other hand, in accordance with the Labor Act No. 4857, establishments

employing fifty (51 in workplaces dealing with agriculture or forest related business) or more employees shall employ 3%, and this rate shall be 4% for the public corporations (Art. 30).

232. In Turkey, civil servants are recruited by the results of an exam. PwDs have the opportunity to take Public Personnel Selection Examination (KPSS) with all other applicants or they can apply to another exam specially designed and held for PwDs.

233. Holding a special and centralized examination for PwDs, taking into account the special needs and accessibility requirements in preparing questions or determining the exam duration was stipulated by an amendment made in Civil Servants Law in 2011. The relevant Regulation set out the principles that PwDs who were graduated from secondary or higher education shall take the examination, whereas PwDs with a lower level of education shall participate to lot drawing in order to become civil servants. The first Public Personnel Selection Examination for Persons with Disabilities (OMSS) was held by OSYM on 29 April 2012 in 81 provinces. As a result of the exam, 5254 PwDs were placed to vacant positions in public institutions. This number increased to 5926 in 2013. PwDs were placed to 49 different positions including engineer, architect, sociology, attorney, teacher etc. There are also some high level positions such as Head of Department or Ministry Consultant held by PwDs. In other words, the career steps, based on the principle of open competition, are accessible to PwDs. One should note that PwDs employed as civil servants receive the same salary with others at the same position. The data on recruitment of civil servants with disabilities between 2002 and 2013 is provided in Table 9 of Annex 3.

234. As per the Regulation on employment of PwDs in private sector, employers can recruit employees with disabilities either through the agency of ISKUR or through their own means. In both cases, employers are obliged to take reasonable accommodation measures, charge employees with disabilities in accordance with their professions and provide them with the equipment and tools necessary for the concerned work.

235. In accordance with the Regulation on employing PwDs as workers in public institutions and organizations, examination or lot drawing procedures are applied in recruiting workers with disabilities. An upper limit of disability or a certain type of disability cannot be stipulated either in public or private sectors in the recruitment processes mentioned above.

236. As regards ISKUR records, although there was a considerable increase in the number of PwDs employed in public and private sector as workers between 2005 and 2012, it is clearly seen that the employment rate of women is still low. The distribution per year of workers with disabilities employed by quota scheme in public and private sector is given in Table 10 of Annex 3.

237. In accordance with the Labor Law, employers who violate the obligation of employing workers with disabilities are imposed to administrative fine in the amount of approximately two minimum wages (1672 TL — approx. 500 EUR in 2011 and 1832 TL — approx. 560 EUR in 2013) per worker. The collected fine is gathered in Administrative Fine Fund of ISKUR and allocated to projects on employment of PwDs. Allocation of funds is under the responsibility and authority of Commission on Allocation of Fine Funds consisting of representatives from employer and employee confederations, confederations of disability organizations and other relevant institutions.

238. Pursuant to the relevant Turkish legislation, employers are bound to take reasonable accommodation measures, charge employees with disabilities in accordance with their professions and provide them with the equipment and tools necessary for the concerned work. However, there are no promotions or incentives for arrangements to be made in working environment. Besides, starting and ending times of working hours for workers with disabilities employed in public or private sector can be flexible, provided that the provisions of the Labor Law are taken into consideration. Additionally, workers with disabilities cannot be charged with underwater, subterranean or other works defined in disability reports of the workers.

239. With an amendment made in Civil Servants Law in 2011, working hours became flexible for civil servants with disabilities in case it is necessitated by the type of disability,

working requirements, and climate or transportation conditions. On the other hand, employing civil servants with disabilities at night shifts without their requests was prohibited.

240. Regulation on Health and Safety in Construction Work issued in 2003 pursuant to the Labor Law No. 4857 and Regulation Concerning the Minimum Safety and Health Requirements for the Workplace that was issued in 2004 stipulates that necessary measures for special needs of workers shall be taken into consideration in workplaces where workers with disabilities are employed. Significant progress on health and safety legislation was made in 2012 and Law no. 6331 on Occupational Health and Safety was enacted on 20 June 2012. Pursuant to various legal arrangements made in accordance with Law no. 6331, health and safety of all workers, including the ones with disabilities was targeted.

241. Pursuant to the Labor Law, employers shall give priority to applicants who have left his establishment because of a disability but who later recovered — should they wish to resume their old jobs either immediately if vacant positions are available, or if not, when vacancies occur in their previous jobs or in other corresponding jobs, subject to the prevailing conditions of employment. On the other side, should the employer fail to respect his obligation to conclude the said employment contract despite the existence of the above mentioned requirements, he shall pay his ex-employee a compensation equal to his six months' wages (Art. 30).

242. As per Law No. 4046 on Implementations of Privatization, employees with disabilities who work in organizations in the scope of privatization for compensation and pursuant to an employment contract and whose contracts are terminated due to restructuring for privatization, privatization, down-sizing, cessation of activities in full or in part, permanent or temporary closing or liquidation of such organizations and which are entitled to redundancy payments twice the amount set forth for persons without disabilities in accordance with labor laws and their current collective bargaining agreements, will be paid a special job loss compensation under the Law in addition to, and not in place of, the redundancy payment envisaged by laws and in their current collective bargaining agreement. Furthermore, services for finding new employment opportunities, career development, vocational and apprenticeship training of these persons shall be provided with the support and financing of the Privatization Fund (Art. 21).

243. TDA, on the other hand, provides that employment of PwDs, who face difficulties in integration to the labor market as a result of their conditions of disability, is provided by means of the sheltered workshops as an alternative means of employment (Art. 14). In this regard, Regulation on Sheltered Workshops setting out the principles, procedures, monitoring and operation rules of sheltered workshops that can be established by natural and legal persons with the support of the government was issued in 2006.

244. Being the most comprehensive research on employment of PwDs in Turkey, "An Analysis of the Labor Market in terms of Disability" that was carried out by EYHGM in 2011 indicates that persons with mental/psychological disabilities constitute the most disadvantaged group in terms of employment. According to the results of the research, non-preference rates of disability types by the employers are as follows; 73% for persons with mental disabilities and 61% for persons with emotional or psychological disabilities. These findings set forth the necessity to have persons with mental/emotional disabilities who face much more difficulties in employment when compared to other groups of disabilities employed through the agency of sheltered workshops that have been accepted as a means of transition to employment. In this scope, a draft law was prepared with the purpose of clarifying the incentives to be provided by the state for establishing sheltered workshops.

245. In addition, Project on "Sheltered Workshops" was initiated with the coordination of ISKUR and ASPB-EYHGM with the aim of establishing sheltered workshops for persons with mental or emotional disabilities who face difficulties in labor market. As part of the Project activities, temporary financial support and a grant of 150,000 TL (Approx. 50,000 EUR) will be given to the establishments that are found eligible to become a sheltered workshop.

246. Pursuant to the Labor Law, the employers' national insurance contribution that is calculated as the lowest daily earning of each person with a disability employed within the

scope of quota scheme or in sheltered workshops is paid in full by the Government. In addition, the employers' national insurance contribution for each person with a disability employed without a legal obligation is paid in half by the Government.

247. Vocational guidance and consultancy services are rendered by MEB and ISKUR. MEB provides these services through special education assessment commissions of Counseling and Research Centers at provinces or districts, or through Psychological Counseling and Guidance Services established within the bodies of public education institutions. MEB provides vocational trainings to PwDs in formal or non-formal education institutions in inclusive environments, private vocational training schools, and apprenticeship training centers or in public education centers. In addition, ISKUR also holds vocational training courses for PwDs.

248. Vocational Training Law No. 3308 that was enacted in 1986 imposed the obligation of holding orientation courses or special vocational courses for persons with special needs (Art. 39). As a result of rearrangement and amendment of Regulation on Vocational and Technical Training in 2002 and 2008, it was stipulated that necessary physical arrangements shall be made in the vocational education environments for students with disabilities and physical barriers shall be eliminated as much as possible in vocational education. However, due to lack of education materials and physical shortcomings of education environments, the number of students with disabilities that benefit from vocational education in inclusive classes has not reached to the desired level. Another problem of same kind is faced in apprenticeship education; although apprenticeship education centers are common in all provinces and in most districts, PwDs cannot actively benefit from these centers.

249. MEB Regulation on Non-Formal Education Institutions that was issued in 2010 sets out the objectives of non-formal education which includes; literacy education and skills development in line with personal capabilities and knowledge (Art. 4). Additionally, this regulation commissions non-formal education centers with the duty of organizing — in cooperation with relevant institutions — courses and various activities for PwDs with special needs, persons under guardianship, children working and/or living on the streets, children working at various sectors, the drug addicted receiving treatment, convicts and detainees, persons staying in hospitals or rehabilitation centers.

250. Vocational and occupational counseling services provided by ISKUR were initiated in 1991 following the enactment of Law No. 4904 on Turkish Labor Institution. Within the scope of these services, vocational and occupational counseling is provided systematically to PwDs at the process of making a vocational choice. Thus PwDs are supported in finding an occupation that fit to their personal abilities and interests. In this regard, Occupation Information Centers were established in 65 provinces and 81 Job Placement Units started service under Provincial Directorates of Working and Labor Institution. There are efforts aimed at enhancing the capacity of these services. In this regard, between the years of 2012 and 2013, 4080 Occupation and Vocation Consultants were gradually recruited by ISKUR. By the end of 2013, the number of employed consultants was 4914.

251. Each Occupation and Vocation Consultant was given a portfolio of jobseekers, employers or schools with the purpose of affective provision of consultancy service and thus each unemployed person, employer or school had a consultant. Owing to the portfolio system, each person with a disability had a consultant. 32.331 PwDs in 2012 and 44.627 by September 2013 received Occupation and Vocation Consultancy through interviews.

252. Vocational training programmes of ISKUR are planned in cooperation with disability organizations and provincial employment and job centers. In the training programmes or courses which are organized in the light of occupations appropriate for the registered PwDs, priority is given to unemployed PwDs who have qualifications needed in the labor market.

253. The training courses are funded by ISKUR resources, the Unemployment Insurance Fund, fines collected from employers who do not employ PwDs or ex-convicts and international grants or funds. The resources are allocated with priority to projects guaranteeing employment. 25.745 PwDs in total attended to 2.176 training courses

organized between 2009 and 2013 (Kocaeli and 197,847,116.70 TL (approx. 46 Million EUR) were allocated to these courses.

254. In addition, ISKUR carried out a Project in Izmir between 2007 and 2008. The Project "Strengthening the Institutional Structure of ISKUR and Building an Improved Employment Strategy and Vocational Rehabilitation for Persons with Disabilities" was initiated in cooperation with the Government of Netherlands within the scope of bilateral assistance programme (MATRA). The Project aimed at and succeeded employing 100 PwDs before the end of 2008. Therefore, it is planned to extend the Project activities countrywide. Moreover, within the scope of Project "Count me in Transportation, Communication and in Life" that was carried out by the Ministry of Transportation, 250 persons with physical disabilities attended trainings; they were employed by call centers and had the opportunity to work from their homes.

255. IDA states that the rights of PwDs to choose a profession in accordance with their skills and to benefit from training courses cannot be restricted. It is essential that PwDs are enabled to take advantage of the vocational rehabilitation services in order to provide that they are trained in a profession they can carry out, and that they are enabled to acquire a profession and their economic and social welfare should be secured by making them efficient. In this context, Regulation on Private Vocational Rehabilitation Centers was issued in 2006 with the aim of carrying out vocational rehabilitation practices systematically. Legislation work on issuing related legal arrangements in order to ensure sustainability of these centers are still in progress.

256. 4,809 out of 1,955,651 craft and related trade establishments are run by PwDs. Although there are not any special legal arrangements for craftsman or artisans with disabilities, they are encouraged to benefit from the activities of the Project "Entrepreneur Support Programme" that is being carried out by Small and Medium Enterprises Development Organization (KOSGEB). Persons with disabilities who want to set up their own businesses can attend to "Applied Entrepreneurship Training" together with other individuals and receive Financial Assistance for New Entrepreneurs, as an initial capital, with a 10% increase in the amount. In addition, within the context of the Cooperation Protocol signed between ASPB and Ministry of Science, Industry and Technology, a Joint Project titled "Entrepreneurs Step At No Barriers" was initiated by EYIKAI and KOSGEB. The Project aims to promote entrepreneurship among PwDs through entrepreneurship trainings and guiding activities and thus enhance their economic and social conditions. By October 2013, 436 PwDs 199 of which are women attended entrepreneurship trainings and a financial assistance of 300,619.86 TL in total (approx. 100,000 EUR) was given to 29 new entrepreneurs with disabilities. It is expected that 2,000 PwDs from different regions of the country will also attend to these trainings within the context of this project.

Article 28: Adequate standard of living and social protection

257. The Constitution of the Republic of Turkey secures that everyone has the right to social security and the State shall take the necessary measures and establish the organization for the provision of social security (Art. 60). PwDs are defined among citizens who shall be protected in terms of social security and the State is given the responsibility of taking measures to protect PwDs and secure their integration to social life (Art. 61).

258. With an amendment made in Social Services Law No. 2828 in 2011, the principle of protecting social security and income of PwDs was taken as the basis of the disability services (Art. 4). In addition, it was also stated in the same law that PwDs, children and the elderly in need of social protection shall be given priority in implementation of social service practices.

259. Social security of PwDs is provided in two ways that are either within the premium system or out of the premium system. Additionally, there are various supports such as tax exemption/reduction and aid in cash or in kind.

260. Retirement of PwDs in premium system is regulated by Social Security and General Health Insurance Law No. 5510. Pursuant to the provisions of this law, in case insured

PwDs who are self-employed or work as civil servants or workers become disabled as a result of an occupational accident or a an occupational illness, these individuals can retire earlier within the scope of invalidity insurance.

206. On the other hand, insured persons who could not benefit from invalidity pension due to the fact that they had had an illness or disability before starting to work at a degree that could be deemed as invalidity can retire earlier as part of old-age insurance and receive old age pension.

207. Provided that enough premiums of death, old age and invalidity insurances are paid, persons in the following conditions are entitled to receive old age pension regardless of their ages:

- Insured persons with a disability at a degree between 50-59% (certified by a medical experts, on condition that they have been insured for at least 16 years and paid premiums for 4320 days;
- Insured persons with a disability at a degree between 60-69% (certified by a medical experts, on condition that they have been insured for at least 18 years and paid premiums for 5400 days.

208. Pursuant to the relevant provisions of the same law, the insured women who have children with disabilities in need of constant care also have the right to early retirement. In case insured women that demand old age or retirement pensions have children with disabilities in need of constant care of another person, one fourth of premium payments (on the basis of number of premium days) after the enactment date of the law are added up to total premium payments and the added amount is subtracted from retiring age limits.

209. Considering the social security system without social contributions, all PwDs that had never been employed before or persons who cannot work due to a certain disability and children with disabilities whose families are economically deprived are put on disability pension within the context of Law No. 2022. The amount of disability pension paid in line with Law No. 2022 varies with respect to the degree of disability. Disability pension paid to PwDs at a degree of over 70% who do not have any incomes was 316.14 TL at a monthly basis for the first half of 2011 and 328.92 TL for the second half. The amount of pension for PwDs at a degree between 40-69% was 210.76 for the first half of the year and 219.28 for the second half. The treatment costs of persons who receive a disability pension are covered by general health insurance. Therefore, this programme functions also like a social security system and it is the most benefited social aid for PwDs. Whereas the number of PwDs receiving a pension was 262,370 in 2002, it gradually increased by years. When compared to 2002, this number increased at a rate of 75.68% and reached up to 461,857 persons. It was 514,844 in 2010 and 580,963 in 2011. The number of persons receiving a pension between the years of 2009 and 2013 is provided in Table 11 of Annex 3.

210. In addition, economically deprived PwDs can apply to Social Assistance and Solidarity Foundations in provinces or districts and demand assistive devices/equipment or aid in cash or in kind. These foundations also pay the cost of orthopedical or other assistive equipment that is not covered by social security institutions.

211. Persons with disabilities can benefit from certain rates of tax reductions/exemptions in accordance with the degree of disability. Within the scope of Revenue Law No. 193, fee earning PwDs, fee earning persons that are liable to care relatives with disabilities; self-employed PwDs, self-employed persons that are liable to care a relative with a disability; PwDs taxed in simplified system can benefit from Revenue Tax Reduction at various rates differing according to the degree of disability.

212. In addition, PwDs who were entitled through a medical report to use an adapted motor vehicle are exempt from special consumption tax provided that they buy motor vehicles from domestic market. This exemption is also valid for the relatives of persons who have a disability at a degree of 90% and over that hinders him/her drive a motor vehicle. These motor vehicles are also exempt from motor vehicles tax. On the other hand, adapted motor vehicles to be imported by PwDs are exempt from customs (Also see Art. 20 of this report).

268. All kind of materials, equipment and software specially produced for the use of PwDs in education, employment or in daily tasks are exempt from Value Added Tax.

269. Furthermore, Real Estate Tax Law authorized the Council of Ministers for reducing or cancelling out the taxes of real estate that belong to PwDs provided that they possess only one dwelling smaller than 200 square meter. In 2007 and the following years, PwDs have been exempt from real estate tax in accordance with the decree of Council of Ministers.

270. As per provisions of TDA, care dependent PwDs who lost their families or are economically or socially deprived are provided with care services in public or private institutions or at their own dwellings. In line with this arrangement, mothers who cannot start a job as they have to look after their children with severe disabilities at home and other relatives of PwDs are given a care fee by the ASPB (Also see Art. 19).

271. Additionally, General Directorate of Foundations affiliated with Prime Ministry pays disability allowance to orphans or economically deprived persons with at least 40% degree of disability. Besides, children with disabilities under 18 years old are also pensioned provided that their parents meet the aforementioned conditions. The amount of the dependency allowance was 330,62 TL in 2011 and 383,16 in 2012. The dependency allowance was limited with 5000 persons 1265 of which were PwDs in 2012.

272. By means of utilizing 973 Social Assistance and Solidarity Foundations in all provinces and districts, General Directorate of Social Benefits carries out social benefit programmes towards PwDs and all dependents including PwDs. The benefits provided by the General Directorate are constituted of: disability benefits, family benefits, health care benefits, education benefits and project support benefits. Within the scope of disability benefits, costs of all kind of assistive devices and equipment that are used for ensuring social participation of the disabled without a social security are covered and students with disabilities who attend to secondary schools are provided with free transportation service (Also see Art. 24). Distribution of PwDs receiving disability/dependent benefits by years and the amounts of allocated benefits are provided in Table 14 of Annex 3.

273. Within the context of Project Support Programmes, social service projects aimed at meeting needs of the most disadvantaged groups of the society — including PwDs, the elderly, children, immigrants and persons without any incomes are supported. In this regard, 113,301,351 TL (approx. 37 million EUR) was allocated to 3,322 projects between 2003 and 2013. Pursuant to an amendment made in Law No. 3294 in 2008, the duties of reimbursing the costs of prosthesis or assistive devices that are covered by social security system were given to Social Security Institution. Owing to inclusion of most of assistive devices to social security system and transition to the system of General Health Insurance in 2012, the number of beneficiaries and the amount of benefits provided by Social Assistance and Solidarity Foundations were decreased.

274. Municipalities, the Red Crescent and other associations, foundations, federations and confederations of social assistance also provide social aid in cash and in kind to economically deprived PwDs. Furthermore, local governments and private entities make certain rates of reductions in fees of services provided to PwDs. Within this scope, especially Turkish State Railways, Turkish Maritime Organization, Turkish Airlines and intercity transportation companies make various rates of reductions for passengers with disabilities. On the other hand, as per the amendment made in Law No. 4736 on Rates of Services and Goods of Public Institutions in 2013, persons who have a degree of disability over 40%, persons with severe disabilities and a person accompanying them can benefit from intercity and inner city rail and sea travel, and all mass transportation facilities provided by municipalities, transportation companies set up by the municipalities or private companies authorized by the municipalities to carry passengers in provinces. Besides, PwDs can benefit free of charge from national parks, state theatres, opera and ballet performances, historical ruins and museums of Ministry of Culture and Tourism. Some municipalities make certain rates of reductions in water bills of PwDs in line with municipal council resolutions. GSM operators also provide reductions in service fees.

275. Taking into consideration the special conditions and needs of PwDs, reduced internet tariffs with economic advantages were put into effect by 1 February 2012. End

users with disabilities or their relatives can make an application in order to benefit from these tariffs.

276. Building projects of Housing Development Administration (TOKI) are planned in line with related accessibility legislation, especially with Turkish Standards Institution Standard TS9111 — Minimum Requirements in Buildings to Ensure Accessibility for Persons with Mobility Restrictions and/or Disabilities. Special projects are also planned on demand of PwDs. In accordance with Social Dwellings Construction Protocol and the Supplementary Protocol signed between TOKI and ASPB General Directorate of Social Benefits in 2009 and 2011, it was planned to provide economically deprived persons without any social security with dwellings by means of repayment method. In mass housing projects, 10% quota is allocated for persons with at least 50% disabilities. Within the scope of the protocol, project planning of 39.974 houses have been completed so far, and it is planned to have 100.000 dwellings built by 2023.

Article 29: Participation in political and public life

277. The Constitution guarantees the right of PwDs to participate in political and public life based on equality principle. The related provision also includes that no privilege shall be granted to any individual, family, group or class and State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings (Art. 10). Furthermore, the right to enter public service is also regulated; no criteria other than the qualifications for the office concerned shall be taken into consideration for recruitment into public service (Art. 70).

278. The Constitution assures that: Turkish citizens have the right to vote, to be elected, to engage in political activities independently or in a political party, and to take part in a referendum in conformity with the conditions set forth in the law (Art. 67). In this regard, elections and referenda are held under the direction and supervision of the judiciary. All Turkish citizens over eighteen years of age have the right to vote in elections and to take part in referenda (Art. 68). However, persons deprived of legal capacity are listed among the persons that cannot be elected as parliamentarians (Art. 76).

279. The elections are organized and audited by Supreme Committee of Elections (YSK). Pursuant to legal arrangements and practices of YSK, PwDs can cast their votes in equal terms with others. Law No. 298 of 26 April 1961 on Basic Provisions on Elections and Voter Registers defined some citizens as non-voters. In this regard persons who were deprived of legal capacity shall not cast votes in elections or referenda. Persons with intellectual disabilities who were placed under the care of a guardian by judicial authorities are also taken within this scope.

280. Law on Basic Provisions on Elections and Voter Registers includes some provisions about accessibility of voting centers and the procedures of vote casting. Any disability of a voter to prevent the voter from casting his/her vote shall be noted on the form during registration of voters (Art. 36). Ballot boxes shall be placed in public places such as appropriate parts of schoolyards and rooms, and, if not sufficient, to other places to be hired for that purpose, such as cafes, restaurants, etc. When the boxes are to be placed in open spaces; shaded or sheltered wide areas shall be preferred (Art. 74). Voters with apparent disabilities such as blindness, stroke, paralysis or similar physical disabilities may be accompanied by one of their relatives who are voters in the same election district or, in the absence of any relative, by any other voter to provide assistance in casting their votes. A voter cannot accompany to more than one PwD (Art. 93).

281. YSK is responsible for making necessary accessibility arrangements through its units established by law and providing information on elections through press and media. In this regard, YSK organizes training courses for the relevant personnel and provides information on how to cast votes. Furthermore, some private TV channels and TRT - the public television, report electoral process and all news in sign language. The number of channels providing sign language information increases day by day. Though there are some accessibility problems faced by PwDs in casting their votes, there are efforts to eliminate such problems in line with provisions of TDA.

282. As per the data of 2010 referendum on constitutional amendments; there are 195,738 (68,652 female — 127,086 male) registered voters with disabilities. 143,103 of registered voters with disabilities (98,004 male — 45,099 female) cast their votes in 2010. In 24th Parliamentary Election in 2011, 223,414 voters with disabilities were registered and 183,666 voters cast votes. On the other hand, no data is available about PwDs who cast votes with the help of an assistant. The number of registered voters with orthopedical or visual disabilities was 211,314 by 18 April 2013.

283. Persons with disabilities can take part in local government platforms, namely; provincial assemblies or municipal councils as members. The results of 2009 local election indicate that PwDs constituted 12 out of 3,231 provincial assembly members and 130 of 32,467 municipal council members.

284. Turkish employees and employers have the right to form unions and higher organizations, without prior permission, and they also possess the right to become a member of a union and to freely withdraw from membership (Constitution, Art. 51). Furthermore, everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission (Art. 33). Within this scope, there are currently no practical barriers to hinder PwDs from establishing and operating CSOs. There are approx. 1,000 associations carrying out activities in the field of disability. Besides, there are 10 disability federations and 2 confederations functioning as umbrella organizations.

285. CSOs can cooperate with and receive support from public institutions. Moreover, public interest associations or foundations can benefit from tax exemptions or donation incentives. CSOs can also benefit from national or international quality funds in order to initiate projects.

286. Disability organizations take an active role especially in policy making and legislation preparation processes. EYIGM was assigned with the duties of ensuring coordination among universities, local governments, public interest foundations/associations, other CSO's and private sector and preparing and implementing joint projects. Despite the vast progress achieved in recent years, problems are also encountered in ensuring cooperation. The leading reasons of this situation are the capacity insufficiency of disability CSOs and lack of sustainable funding.

287. Pursuant to the provisions of Regulation on Procedures and Principles of Strategic Planning in Public Institutions, ensuring participation of CSOs to strategic planning of all public institutions was accepted as one of the general principles. In line with this principle, ASPB and other institutions providing service for PwDs also ask for comments and contributions of CSOs in disability field.

288. IDA sets out the principle that participation of PwDs, their families and volunteering organizations to all decision making processes is essential. The Act also regulates the obligation of receiving opinion from ASPB in all legislative arrangements to be carried out by public institutions regarding PwDs.

289. With the purposes of minimizing the aforementioned problems; increasing institutional capacities of disability organizations; supporting good practices and strengthening their relations with all public institutions — notably EYIGM, the Project "Improved Integration of Disabled Persons into Society", funded under IPA — IPA, was initiated in 2009.

Article 30: Participation in cultural life, recreation, leisure and sport

290. Various measures have been taken in order to ensure that PwDs access cultural life, recreation or sport activities. IDA provides that the existing official buildings of the public institutions and organizations, all existing road, pavement, pedestrian crossing, open and green areas, sporting areas and similar social and cultural infrastructure areas and all kinds of structures built by the natural and legal persons serving to public shall be brought to suitable condition for the accessibility of the PwDs (Provisional Art. 2). (Also see Art. 9). Furthermore, the Act stipulates that activities regarding production of Braille, audio and

electronic books, subtitled film and similar materials to meet all kinds of educational and cultural needs of PwDs should be carried out in cooperation with the MEB and the Ministry of Culture and Tourism.

291. General Directorate of State Theatres organizes volunteering based trainings for disability organizations. Measures towards ensuring participation of PwDs to State Theaters include accessibility arrangements, awareness raising activities for the personnel and free of charge service provision to PwDs and the persons accompanying them.

292. Furthermore, General Directorate of State Opera and Ballet plans assessing the level of satisfaction of the audience and carrying out statistical studies on participation of PwDs to the plays and performances.

293. Ministry of Culture and Tourism plans developing the audio guidance system for visitors with disabilities in museums and historical ruins and make it available for visitors with hearing disabilities through high definition devices accompanied by subtitles and sign language interpretation. By 1 September 2011, audio guidance system was in service in 22 museums and ruins of Ministry of Culture and Tourism. On the other hand, 9 museums affiliated with the Ministry provide free Braille printed brochures for visitors with disabilities. In addition, PwDs can visit museums and ruins together with one accompanying person without paying any entrance fees.

294. Necessary accessibility measures have been taken in palaces, kiosks and summer palaces administrated by TBMM. Persons with disabilities can visit these places with someone accompanying them without paying entrance fees and can benefit free of charge from cultural activities of palaces. Guidance service for persons with visual or hearing disabilities will be available after installation of electronic guidance system in aforementioned places.

295. In accordance with additional Article 11 of the Law No. 5846 on Intellectual and Artistic Works, in case there is no copy of common or printed scientific and literary works, their reproduction by PwDs or by a third person for non-commercial purposes as one copy for the use of PwDs; or their reproduction or lending by an education body, foundation or association providing service for the disabled, in required quantities, in the form of CDs, tapes, Braille alphabet and similar formats may be carried out without obtaining authorization and permission.

296. Recently published books in Speaking Library Center for Persons with Visual Disabilities affiliated with Presidency of National Library are vocalized by volunteers in studios and are available in audio formats on www.mkutup.gov.tr/mkp. Between 3 December 2007 and June 2011, 1.000 PwDs registered to the website which publishes 5.000 audio books online. The books, including education and training books are vocalized by approx. 100 volunteers in line with the demands of registered users. The members who do not have the opportunity to access the books online can receive them by post upon request.

297. Within the scope of efforts on standardization and coordination of library services, "Committee on Coordination among Libraries for Persons with Visual Disabilities" was established by eight institutions and organizations under secretariat of Presidency of National Library with the purpose of providing an active and effective library service to PwDs. Member libraries of the committee enter the identification information of their "e-books" and "Braille Books" on www.mkutup.gov.tr/mkitap. The number of books registered so far is currently 16.320. Furthermore, Law No. 6279 of 22 February 2012 on Compiling Duplicated Intellectual and Artistic Works stipulates that one electronic copy of publications such as newspapers, journals and books shall be sent to National Library for the use of persons with visual disabilities.

298. Additionally, the procedure regarding signature of "Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled" that was adopted by World Intellectual Property Office (WIPO) in 2013 is still in progress. It is anticipated that following the signature of the Treaty, Additional Article 11 of Law No. 5846 will be revised accordingly in order to extend the scope of freedom to access published intellectual works.

299. In accordance with the protocol signed between Ministry of Culture and Tourism and Ministry of Transportation in 2006, books are posted free of charge to/from the dwellings of persons who cannot benefit from local library services due to disabilities, old age and/or severe illnesses. This practice, initiated in 20 provinces in the first stage, is planned to be extended to other provinces.

300. With the purpose of ensuring that PwDs benefit from tourism services more effectively, the objective of evaluation and promotion of social tourism projects with the cooperation of public and private sectors was included in "2023 Tourism Strategy".

301. Besides, Regulation on Certification and Qualification of Tourism Facilities set out the obligation that hotels and holiday villages which have at least 80 rooms shall design and allocate at least 1 percent of their rooms for PwDs. Furthermore, Communication No. 2011/1 on Implementation of the Regulation on Certification and Qualification of Tourism Facilities, which include the provision that shared areas, toilets and rooms shall hold the minimum accessibility qualifications, was issued by the Ministry of Culture and Tourism on 26 June 2011. In addition, the final declaration of "Symposium on Barrier Free Cities-Barrier Free Tourism" held in Antalya with the cooperation of OZIDA (defunct), Turkish Confederation of the Disabled and the Turkish Union of Municipalities between 16 and 18 May 2011 included the recommendation that tourism facilities should be designed/arranged by taking account the variety of disabilities.

302. The practices carried out in Antalya and Istanbul regarding "accessibility for all" can be given as good examples. Istanbul Metropolitan Municipality implements the Project titled "Barrier Free Tourism, Barrier Free Istanbul" with the purposes of extending accessibility practices in tourism, ensuring independent participation of PwDs to cultural and art activities and raising public awareness on accessibility needs of PwDs. Within the scope of a protocol signed between the relevant parties of public sector and CSOs, it was planned that good examples of accessibility practices in Alanya District of Antalya would be awarded by Ministry of Culture and Tourism with a certificate in order to transform the region to an attraction of barrier free tourism. The certification, for which the implementation and assessment criterion is currently being designated, is planned to be generalized across the country.

303. Various culture and art activities are held annually within the scope of "Ayvalık Disability Culture and Art Festival" that has been organized in Ayvalık District of Balıkesir for the last 19 years with the participation of disability organizations particularly the persons with mental disabilities and with the support of public institutions and the local government. Representatives at international level also attended the festival in the last two years.

304. As per a law amendment made in 2005, activities on promoting participation of PwDs to sports events are carried out by General Directorate of Sports under Ministry of Youth and Sports. In this context, Sports Federations of Special Sporters, Hearing Disabled, Visually Disabled and Physically Disabled were established in affiliation with Ministry of Youth and Sports. Furthermore, PwDs can benefit free of charge or with reduced fees from the sports facilities and activities of 81 Provincial Directorates of Youth and Sports and autonomous or non-autonomous federations.

305. In line with the Regulation on Awarding Persons Who Achieve Outstanding Success in Sports Activities or Events issued in 2010; sporters, sports clubs, coaches and trainers who achieve successes in the relevant branches of Olympic, Paralympics or Deaflympic games under the categories of adults, U21, youth or stars, and the sporters who contribute to country promotion in international sports activities or organizations are awarded. As per 2010, there were 20,556 licensed and 9,034 active sporters (29,590 in total), but these numbers increased, respectively, to 30,521 and 11,128 (41,379 in total) by June 2013. The data on the numbers of licensed and active sporters with disabilities by June 2013 are provided in Table 12 of Annex 3.

306. The legal arrangements for ensuring standardization of Turkish Sign Language were provided by the relevant articles of TDA and currently, there are various activities being carried out within this context (Also see Article 24). Besides, with the objective of ensuring full and equal use of public services by PwDs, at least one sign language interpreter is

appointed to each province by the ASPB. The work on increasing the quality and quantity of the interpreters is in progress.

Article 31: Statistics and data collection

307. Data regarding PwDs is collected through censuses, administrative registers or sample surveys. In some cases, special surveys are conducted on condition of PwDs or in other cases disability related questions are included in general surveys.

308. As a part of administrative registers system, "National Disability Database" was established in 2006 with the objective of ensuring efficiency of disability services. The Database is operated under EYHGM and it covers demographic, socio-economic and disability information obtained through public institutions that have authority to enter data in the database. When a person whose disability was certified by a medical report applies to a public institution, the information about his/her identity, disability, economic situation etc. is entered in the database. In this regard, the database does not cover all PwDs in Turkey. The information embedded in the database can be updated instantly through web services.

309. The first national survey carried out in Turkey with the purpose of obtaining information on the prevalence and socio-economic situation of PwDs was "2002 Turkey Disability Survey" carried out in 2002 by TUIK in cooperation with OZIDA (defunct) (Also see Foreword and http://www.eyh.gov.tr/tr/html/8240/Turkiye+Ozurluler+Arastirmasi+ 2002).

310. The last national survey was the Population and Housing Survey conducted by TUIK in 2011. It was a comprehensive sample survey based on administrative registers and conducted in line with UN recommendation on conducting population or housing censuses in order to obtain internationally comparable data. Two types of questionnaires were used in the survey: questionnaires for households and institutions. About 2.2 million households were interviewed within the scope of household surveys. Complete enumeration was carried out for the places like university dormitories, nursing houses, military barracks, orphanages, prisons and detention centers, etc., and questionnaire of institutional places was filled for the people who resided at these addresses. Disability questions were formed in coordination with EYHGM based on ICF and UN led "Washington Group" recommendations. In the Population and Housing Survey 6 functions were questioned and these questions were expected to be answered by one of the following options: 'No difficulty, Yes, some difficulty, Yes, a lot of difficulty or cannot do at all'. In these questions self-evaluation of the respondent was considered. For questions except the ones regarding seeing and hearing, difficulty in function was questioned without taking into consideration any assisting equipment. Questions regarding seeing and hearing were directed to all ages where for others only those that are 3 years or older were covered. Difficulties that take a period shorter than 6 months (such as fractures of the hand or arm, ear or eye surgery) were not taken into consideration for all types of disabilities. As per the results of the survey, 6.9% of 2011 population projection stated that they have at least one disability.

311. In 2010, EYHGM and TUIK carried out in cooperation the "Survey on Problems and Expectations of Disabled People". This survey covered 11,828 out of 280,014 PwDs registered in National Disability Database with at least 20% disability rate.

312. "2012 Health Survey" conducted by TUIK aims introducing the health profile of individuals and to get information about health indicators which constitutes a big part of the development indicators that shows the degree of development of the countries and also to overcome the lack of information in current system. This survey has the specialty that held out to reflect the country in general and being comparable internationally. With the survey, many indicators on health are obtained for 0-6, 7-14 and 15 years old and over individuals. The survey, conducted for the first time in 2008, provides the opportunity of obtaining internationally comparable data and offering an insight to national requirements. The results of the last survey conducted in 2012 have not been publicized yet.

313. The results of disability related surveys conducted by EYHGM or with the cooperation of TUIK and EYHGM are published online and in alternative/accessible formats such as Braille (e.g. The Research on Measurement of Disability Discrimination in Turkey). Besides, public institutions providing service to PwDs publish disability data on their websites in simple and undetailed tables.

314. The national efforts towards making and developing disability policy and eliminating the lack of information in monitoring processes have gained acceleration recently. "Family and Social Policy Information System" conducted with the cooperation of ASPB and Scientific and Technological Research Center (TUBITAK) is the leading project in this regard. The project aims obtaining complete, exact and up to date information from the related stakeholders who are responsible for the data on children, elderly, PwDs, families, the poor and women. Another leading project is "Supporting Implementation and Monitoring of CRPD in Turkey" that was initiated by EYHGM in cooperation with United Nations development Programme (UNDP) in 2013. Supposed to be completed by the end of 2014; the planned activities of the project includes: monitoring existing policies in terms of implementation of CRPD, formulation of necessary policies, raising awareness of relevant public institutions with the purpose of reviewing the rights of PwDs within the frame of human rights and developing indicator sets for monitoring these rights.

Article 32: International cooperation

315. Along with its cooperation with many international and regional organizations, Turkey has mutual cooperation especially with UN, CoE, subsidiary organs and the organs of EU with which membership negotiations are being carried out. Within the scope of coordination with international organizations in terms of disability, The Republic of Turkey; participates and exchanges information in international events such as meetings, symposiums or workshops, contributes to country reports and carries out Projects aimed at developing rights based disability policies and practices.

316. Turkey contributed to the preparatory work of Incheon Strategy drafted by the United Nations Economic and Social and Social Commission for Asia and the Pacific (UNESCAP) for the third decade 2013-2022. Besides, Turkey was represented at the level of Minister in High Level Meeting of the UN General Assembly on Disability and Development convened in New York on 23 April 2013.

317. EYHGM contributes to all activities including the sub-committee events held within the scope of CoE Disability Action Plan 2006-2015. The Conference on mid-term review of the Action Plan was organized by CoE with the cooperation of OZIDA (defunct) in 2010 in Istanbul.

318. Furthermore, as part of its cooperation with WHO, Turkey carries out infrastructure work for adoption, use and dissemination of ICF system.

319. The Project "Reducing the Social Distance" was initiated with the cooperation of UNICEF and EYHGM in 2013. The project includes a campaign and a survey aimed at reducing the social distance between children with disabilities, their families and the rest of the society. Additionally, the project also aims at, in line with ICF, preparing a child version of the form of medical board report used in assessment of disability. Moreover, the Project "Supporting Implementation and Monitoring of CRPD in Turkey" was initiated by EYHGM in cooperation with UNDP in 2013 (Also see Art. 31).

320. In addition, within the context of membership negotiations with EU, the Projects "Promoting Services for People with Disabilities" (2008 programming), "Strengthening Special Education" (2008 programming) and "Enhancing Services for PWDs" (2009 programing) were conducted with the financial support of EU Instrument for Pre-Accession Assistance. On the other hand, OZIDA (defunct) carried out the Project "Fighting Against Disability Discrimination in Turkey" under the subtitle "Anti-Discrimination" of the EU Program on Employment and Social Solidarity -PROGRESS (2007-2013) (Also see Art. 5).

321. In 2009, ISKUR carried out the Project "Strengthening the Intuitional Structure of ISKUR and Building an Improved Employment Strategy and Vocational Rehabilitation for Persons with Disabilities" within the scope of MATRA (Also see Art. 27).

322. Administration of Turkish Cooperation and Development (TIKA) carries on development based cooperation activities in 100 countries. Turkey's development support to other countries which increased from 85 million USD to 1 billion 273 million USD between 2002 and 2011 was distributed through the agency of TIKA.

Article 33: National implementation and monitoring

323. Established as an organ of Prime Ministry with the objective of coordinating disability policy and services among other public institutions in accordance with Decree Law No. 571 in 1997, OZIDA carried on its activities, which include promoting realization of rights by PwDs, cooperating with public institutions in order to develop policy and services for PwDs, until 2011. In this regard, preparatory work regarding signature and approval of CRPD by Turkey was carried out under the coordination of OZIDA. The Central and provincial organization of EYHGM was established under the structure of ASPB in accordance with Decree Law No. 633 that was enacted in 2011. Therefore, the focal point of Turkey has been EYHGM since the date it was established.

324. When it comes to independent mechanisms stipulated by the second paragraph of Article 33 of CRPD, one can mention about two separate structures in Turkey. The first is the Ombudsman Institution that was established in 2012 under the National Assembly, with the following objectives: to establish an independent and efficient complaint mechanism regarding the delivery of public services and investigate, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviors of the administration with law and fairness under the respect for human rights (Also see the Foreword). One of the five ombudsmen is responsible for disability related issues.

325. The second mechanism to be applied in cases of violations is the Human Rights Institution. The duties of the institution covers protecting and promoting human rights, avoiding violations, fighting against torture and degrading treatment, examining complaints and applications and taking necessary action in order to solve the problems and carrying out researches on human rights (Also see the Foreword). Established in 2012 as a financially and administratively independent structure, the first meeting of the institution was held on 24 January 2013. The preparatory work on working procedures such as receiving and examining applications is in progress (Also see the Foreword).

326. EYHGM drafted the national report in line with the principles embedded in CRPD and in cooperation with CSOs — particularly the ones representing PwDs, universities and public institutions. The reporting guidelines of the CRPD Committee was translated into Turkish and published on EYHGM's official website. Within this process, 37 CSOs including 21 disability and 16 human rights CSOs were requested for their contribution in written procedure. The draft of this report was presented to the opinion of CSOs on 30 October 2013. Besides, two weeks after the report was published, a meeting was held with the participation of umbrella organizations and 50 disability organizations representing various disabilities. The opinions and contributions of the organizations on the National Report were received in this meeting. It should be underlined at this point that the correspondence and collaboration experienced in preparation of the National Report certainly contributed a lot to awareness raising and public information efforts in Turkey.

327. OZIDA continued its activities from 1997 to 2011 with the aims of promoting and mainstreaming disability in all policy areas. In this period, CSOs were represented in two advisory boards of OZIDA together with other public institutions and organizations. The names of the concerned advisory boards were "Disability Council" and "Executive Committee on Disability" (Also see the Foreword). In 25th Meeting of Executive Committee on Disability held on 22 January 2009, CRPD was put on the agenda and it was decided that the obligations stipulated by the Convention were acceptable and that the approval process was to be completed as earliest as possible.

328. Furthermore, a project fund was allocated by the ASPB in 2012 budget for awareness raising activities to be carried out through seminars or publications on promoting and monitoring the implementation of CRPD in Turkey. The fund was reallocated in 2013 with the purpose of preparing a national plan of action on the implementation of CRPD as well as carrying out awareness raising activities.